THE REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.
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THE REGISTER
OF THE
PRIVY COUNCIL OF SCOTLAND.

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EDINBURGH,
1902
INTRODUCTION.

The preceding volume of the Privy Council Register closed with an entry under the date July 27, 1630, and the present volume opens with August 3rd of the same year. During the intervening week an important event occurred: there met the first great National Council of the reign of Charles I. In a letter addressed by Charles to this Convention, he specifies the chief objects for which it had been summoned. These objects were mainly three: to make provision for his approaching visit to Scotland, to arrange the business which should demand his attention when he came, and, above all, to vote supplies which the state of the English Exchequer now made of urgent necessity. In response to the last demand the Convention agreed to impose a tax of thirty shillings on “every pound land of old extent” for the space of four years—the tax to be levied annually at the term of Martinmas. The other Acts of the Convention have a more or less direct bearing on the business of the Privy Council recorded in the present volume, and in that connection they will call for specific notice.

The period before us extends from August 3, 1630, to December 31, 1631. The most important European event of the time, and one which had its own influence in Scotland, was the triumphant course of Gustavus Adolphus in the Thirty Years' War. In England the dominating facts were Charles's substitution of personal for Parliamentary government, the ascendancy of Laud in ecclesiastical affairs, and the accession of Sir Thomas Wentworth, the champion of the policy of
"Thorough," to the cause of the King. In the history of Scotland during our period there is but one event recorded which has remained in the national memory—the Burning of the House of Frendraught (October 8, 1630). Of that tragedy it will be seen that there are vivid and abundant traces in the following pages. But if there were no outstanding political or ecclesiastical events to signalise the period, many indications suggest that a temper was growing in the country which foreshadowed the national revolt that was now so close at hand. The nobility as a class were no more reconciled than ever to the Act of Revocation, and they had another ground of discontent in the conspicuous place assigned to bishops in the direction of public affairs. To the people at large it was now conclusively revealed that Charles in his ecclesiastical policy meant to follow the example of his father, and even to outstrip him in his zeal for Episcopal forms and ceremonies. It was a further source of dissatisfaction to the nation at large that Charles had so long delayed his visit to receive his Scottish crown; and general indignation was provoked by a rumour that he never meant to come, and that the regalia were to be conveyed to Westminster, where the ceremony of the coronation could be more conveniently performed. Of this widespread discontent there is no direct suggestion in the present volume of the Register, but there are certain entries which are only intelligible when we remember that such discontent really existed.

The Council. The first change to be noted in the Council is the admission (August 5, 1630) of Sir James Galloway, who had been Master of Requests both under Charles and James, and who was subsequently (1645) created Lord Dunkeld (p. 2). But the chief event in its history was its reconstruction on March 30, 1631 (pp. 187-190). With a few exceptions the new Council was identical with that which had been appointed at the beginning of the reign. If the new list be compared with that given in the Introduction to the preceding volume of the Register it will be found that the greater and lesser officials all kept their places, and that the clerks also remained the same. A few changes,
however, are worthy of note. The Marquis of Huntly was not among the new Councillors—a concession, we may suppose, to the anti-Catholic feeling of the late Council, to which Huntly had given so much concern by the open sympathies he had shown with his fellow-religionists. His place was filled by the Marquis of Hamilton, a personal favourite of Charles, but against whom we shall find a more serious charge brought than any that had been laid at the door of Huntly. In Charles's first Council four Englishmen had an honorary place, while in the reconstructed Council there was only one—James Hay, Earl of Carlisle, a Scot, however, by extraction. Archbishop Spottiswoode again headed the list, and with him were associated the Archbishop of Glasgow, and the Bishops of Dunkeld, Aberdeen, Ross, and Dunblane. The number of the new members was forty-six as against forty-seven in Charles's first Council.

The regulations prescribed by Charles for the conduct of business were the same as had been adopted in 1628 (Vol. II., Sec. Series, p. vii.). The Council was to meet in Holyrood House; seven were to constitute a quorum, of whom one must be the Chancellor or President; and in the absence of either of these officers the oldest Councillor was to preside. Again, as in his missive appointing his first Council, and almost in the same words, Charles gives strict directions for ensuring the attendance of members. It was to be the duty of the Chancellor or President to see that there should be full meetings when important business was on hand. In cases of special urgency the Chancellor or President was to summon those Councillors whose presence might be necessary, and, in the event of these Councillors disobeying the summons, they were to be censured by the Council, and their names reported to his Majesty. The powers assigned to the Council were those which it had gradually assumed under the régime of James VI., and may be briefly described as at once legislative, executive, and judicial.

In connection with this reconstruction of the Council, the question naturally rises—what necessity was there for the reconstruction when the new Council was practically the same as the old? There seems but one plausible answer to the question:
Charles wished to remind his Councillors that they held their
offices solely at his pleasure and only on the condition of their
deferring to his will—a fact, indeed, which had hardly been
gainsaid for at least the last thirty years.

It was this new Privy Council that transacted the business
recorded in the present volume of the Register. Between the date
of its appointment and the last entry, however, the admission of
four additional members has to be noted. These were John
Lesly, Bishop of the Isles (p. 209), Sir Robert Ker, afterwards
Earl of Ancrum (p. 248), Sir Robert Douglas (p. 263), and
Sir John Hay of Lands, who took the place of Sir John Hamilton
as Clerk Register (p. 590).

In the two preceding volumes of the Register there were two
matters which took precedence of every other—the business
connected with the Act of Revocation and the action of the
Council in suppressing Roman Catholicism. Both of these matters
have a place in the present volume, but it is now a place strictly
subsidiary. The largest number of entries are those directly and
indirectly referring to the great tragedy known as the "Burning
of Frendraught." Next in point of numbers are the entries
relating to Francis Stewart, son of the madcap Earl of Bothwell,
who had made himself so notorious in the earlier half of the reign
of James VI. Lord Ochiltree, accused of bringing a false charge
of treason against the Marquis of Hamilton, also received a large
share of attention. It is further noticeable that, in the portion of
the Register before us, trade and industry were special objects of
the Council's deliberations. To co-ordinate such a multitude of
miscellaneous items is hardly possible, but as, perhaps, the clearest
method of presentation, that adopted in the two previous Intro-
ductions will again be followed. After a survey of the most
important legislation which the Register records, the outstanding
incidents of the time will then be noted.

DOMESTIC LEGISLATION.

As has just been said, there is but scanty reference in the
present volume to the great business of the surrenders of
superiorities and teinds. Such entries as are to be found, however, show that the resistance to the Act of Revocation was as dogged as ever. The work that was supposed to be going on was the valuation of the stock and teinds on the church lands that had been revoked to the Crown. The machinery that existed for carrying on this work, it may again be noted, was a body of commissioners appointed to meet on stated occasions in Edinburgh, assisted by sub-commissioners in the various presbyteries, whose duty it was to report to the chief Commission such valuations as they had made in the intervals of its meetings. The Council had a means of pressure which, it might seem, should have effectually expedited the process of valuation: no persons were allowed to lead their teinds except such as had licence from the head Commission (pp. 304, 523). But, as a few indications will show, not even this power of coercion availed to stimulate the dilatory commissioners. On February 1, 1631, a new set of chief commissioners was nominated (p. 131), and on August 26th of the same year a meeting was appointed for the 1st of November following. The 1st of November came, and not a single bishop on the Commission (there were four of them in all) made his appearance. In a peremptory letter, addressed to each of them, the Council summoned the delinquent ecclesiastics to appear before them on the 22nd of the same month "to answer upon their neglect": should they fail to present themselves they were informed that each and all of them would be put to the horn (p. 348). If the members of the chief Commission thus misconducted themselves the sub-commissioners were not more exemplary in the performance of their duties. For example, under date 1st March, 1632, we find a batch of fifteen conveners and their clerks put to the horn for failing to give in their report at the last meeting of the Commission in Edinburgh (p. 438). In spite of all delays, however, we are led to conclude that the process of valuation was now nearing an end.

In the preceding volume of the Register it is recorded how the Council made a strenuous effort to rid the country once
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for all of the leaven of papistry. By confirming the existing penal laws, by the appointment of special commissioners to search out and deal with all suspected persons, by emphatic representations to his Majesty that his kingdom of Scotland was endangered by the growing numbers and audacity of his Roman Catholic subjects, the Council had done its best to accomplish this end. We now learn, however, that the Papists in Aberdeenshire are carrying their heads as high as ever, and are sorely troubling the bishop and the commissioner of the diocese. Of some half a dozen entries relating to the subject, only one seems to call for special notice. This is a report presented to the Council from the Synod of Aberdeen on the continued evil-doings of Papists within its bounds. The report divides them into two classes, both equally mischievous. The one consisted of those who were under sentence of banishment for their religion, but stubbornly refused to leave the country; the other, of such as had gone into exile, but by false representations to his Majesty had cozened him into permitting their return. The object of the report is to show what evil results had followed from the open defiance of the laws by these two classes of Papists. One result, the report stated, was specially to be deplored: many who had been on the point of coming over to the true religion had now become so obstinate that they were prepared to abide "the last dint of excommunication," horning, and banishment, in the belief that any penalties they might suffer would be merely temporary. The Council heartily identified itself with the "grievance" of the diocese of Aberdeen, and sent its report to Charles with an emphatic expression of sympathy in its favour (pp. 508-510).

Prominent Papists.

As usual, we find certain prominent Roman Catholics marked out for special dealing. It was one of the penal laws against Catholics that their children should be removed from their charge, and placed where they might receive a sound Protestant upbringing. The law was chiefly aimed at Catholic nobles, but, as we have seen in the preceding volumes of the Register, these nobles generally contrived by a variety of ingenious devices to
elude its application. Not for the first time the Earl of Nithsdale, as being "vehementlie suspected in his religion," was ordered to produce his son, Lord Maxwell, before the Council that it might provide for his education in the religion of his country (p. 363). The Earl was strictly charged to appear with his son on an appointed day, but when the day came he sent a procurator instead with the information that his son had been "many days" in England before the charge had been delivered (p. 396). One of the most prominent and active of the Aberdeen Papists was Dr. William Leslie, physician to the Queen. The Council had long had its eyes upon him, and he had already been prosecuted for saying and hearing mass. When the present volume opens he had become bound to leave the country by a day not later than August 10, 1630 (p. 2). His exile was not of long duration; by a special licence of the King he was permitted to return "to administer physic" to the Marquis of Huntly, who, it appears, had no confidence in any other practitioner except Leslie (p. 71). Sorely against its will the Council was constrained to give its sanction to this licence, but it did not lose sight of the priest-physician. Under date July 26, 1632, we find him again in trouble for a breach of the conditions on which he had been permitted to return. The licence had been granted on the conditions that he should "behave himselfe modestie" and confine his medical attentions to the Marquis. In the opinion of the Council he had not behaved himself modestly, and, moreover, he had given others the benefit of his skill besides Huntly. Accordingly, he was again summoned to answer for his misdemeanours, but, safeguarded as he was by his interest at Court, the Council could only enjoin him "to carie himself soberlie" in the future (pp. 514-516).—Dame Marion Boyd, Countess of Abercorn, was another Papist who had long tried the patience of the Council. Its former dealings with her may be followed in the Indexes to the previous volumes of the Register, and we have now a further record of the attentions to which she was subjected. First, we have a petition from the Earl, her son, that she might be permitted to return to look after his affairs, which had gone all astray owing to his absence from the country. The
petition was granted on condition that she should "conteane herself within her lodging," and "have conference with the ministrie" (p. 83). This licence was granted on 9th December, 1680, but by the following March the Countess found that she could not finish her business without a visit to her house at Paisley, and she accordingly prayed the Council that she might be permitted to sojourn in that town for a season. To this petition the Council also acceded, and, after some delay owing to illness, the Countess took up her abode in Paisley (p. 285). She found her stay there uncomfortable for two reasons: the house in which she lived was out of repair and undesirable as a place of residence for one in her delicate state of health, and the ministers were "not content that she should remain in the neighbourhood." In these circumstances she came forward with still another supplication: might she be allowed to spend the winter in the Canongate as a more desirable place of residence? She received the necessary permission, but only after her son, the Master of Paisley, had become caution for her good behaviour in all matters relating to religion.—It was the rank and connections of Lady Abercorn that protected her from the rigorous application of the laws against Roman Catholics; those of humbler condition were not treated with the same consideration. We have a remarkable example of this in the case of one Margaret Garioch who describes herself as "ane poore, aged, decrepit wòman." For religious offences she had been long warded in the Tolbooth of Aberdeen, and she offered to the Council that, if she were granted her liberty, she would either conform or quit the kingdom. "Aged and decrepit " though she was, the Council must have considered her as a highly dangerous person, since it accepted the latter alternative and enjoined the bishop and magistrates of Aberdeen to see that her banishment was carried into effect (p. 83). Still another prominent recusant was Sir John Ogilvie of Craig, who is described as "ane excommunicat and rebellious Papist." For "his scandalous behaviour" he had been successively warded in Edinburgh Castle, and restricted to Edinburgh and St. Andrews. On his promise of amendment he had been permitted to return to his place of Craig, but there he had behaved more
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"scandalously" than ever, and he was again condemned to confine himself to the bounds of St. Andrews (p. 337). From a pitiful appeal he made to the Council, however, we learn that he did not reach that town. Owing to a "dissinesse in his head," he was unable to travel on horseback, and had to be led on foot by two men. "With great trouble" he got as far as Dundee, where he was prostrated by so severe a sickness that he looked only for death. Only "the wholesome and free air" of Craig could restore him, and he prayed that he might be allowed to return there, so that at least he might die with his wife and children around him. His prayer was granted, but on stringent conditions: he was not to move beyond two miles from his house; his children and domestics were "to resort to the kirk everie Sabbath"; for himself he was to remain within doors on that day, and he was not to reset Jesuits or mass priests—all under the penalty of a thousand pounds (p. 384).

There are but few entries in the present volume regarding the administration of justice. In the two preceding volumes of the Register we have seen that the Council, at the suggestion of the King, had assiduously applied itself to the establishment of a system of Circuit Courts. In the portion of the Register before us, however, we have but one mysterious entry regarding these Courts. At page 12 we read that "the Lords thinkes fit that the holding of Circuit Courts for this yeere [1630] sall be forborne"—no reason being given for the prohibition. As usual, we find Lord Lorne (afterwards the great Marquis of Argyle) showing a keen jealousy regarding his rights as Justiciar of the Isles. The Sheriff of Bute had taken it upon him to apprehend certain persons accused of witchcraft in that island, and to crave a commission from the Council to try them. Indignant at this encroachment on his jurisdiction, Lorne appealed to the Council, with a result that must have been entirely to his satisfaction (p. 425). At a later date we find the Council granting him full powers to exact fines except in cases when they were "high and great"—the Council in these last cases reserving the privilege of regulating them (p. 459). Finally, in connection with Lorne and
his justiciarship we have Charles himself charging the Councillors to support him in the discharge of his office whenever such support was lawful and necessary (p. 574).—Still in connection with law, we find that an old dispute has again arisen regarding the terms to be kept by the Court of Session. In 1587 it had been ordained that the Court was to sit from 1st November to 15th March, and from 15th May to 15th August (Acts of Parl. of Scotland, III., 447). A proposal had been made to alter these terms, but the burgh of Edinburgh made such a vigorous protest against the suggested change, that at Charles's instance the matter was postponed till the next meeting of the Estates (pp. 178, 218). The most interesting entries connected with law are those relating to the appointment of a Commission for "surveying" the written and unwritten sources from which the laws of the country were derived. There had already been many such Commissions, but none of them had borne much fruit. In 1628 Charles had himself nominated a Commission, but though it appears to have met for deliberation (Vol. II., Sec. Series, p. 491), it had apparently fallen into abeyance, as we now find another Commission appointed for the same object (p. 137). This object, we are told, was "for surveying, recognoscing, and considering of the lawes, statuta, and Acts of Parliament of the said kingdome, als weill printed as not printed, with the customs and consuetudes of the same quhilks ar and hes beene observed as lawes within the said kingdome." The new Commission was to prove as inefficient as its predecessors, and twice at least in subsequent times (1639 and 1681) similar bodies were appointed with the like result.

Under date November 2nd, 1630, we have an entry which begins in this expressive fashion:—"Forsamekle as it hes pleased God to visite this kingdome with a most unseasonable, untymous, and lait harvest so that the cornes hes beene universallie evill win and in manie parts of the countrie they ar not yett win, quhilks threatens not onlie ane extreme skarsetie of all kynde of grayne and corne bot ane extreme deart of the same, to the appearand wracke and undoing of manie poore famileis and hurt
of all persons of whatsoever ranke and qualitie," &c. (p. 47). As the harvest of the preceding year (1629) had been equally unsatisfactory, the Council had good grounds for concern, and it took its usual step in the circumstances: it strictly forbade the exportation of all kinds of grain for a year to come. It was easier to pass such a law, however, than to enforce it, and there are indications that many traders contrived to elude all the measures taken to defeat their cupidity. At page 114 we read that James Kerr and Alexander Torrie were summoned before the Council for transporting fifteen and three bolls of victual respectively into England, and in a later entry we have a batch of skippers and merchants heavily mulcted for a similar offence (p. 262). But the Council itself found it necessary to yield a little ground in connection with its own Act. The bad harvest of 1630 had not been confined to Scotland; in the north of England it appears to have been equally scanty—insomuch that there came a petition to the Council from the mayor and aldermen of Newcastle, craving that in their extremity they might be permitted to purchase corn in Scotland for the needs of their town. From a feeling of good neighbourhood the Council granted licence to the lieges in Teviotdale and the Merse to convey corn to the straitened city, but only on two conditions: the victual must be transported by land, and the quantity exported must not exceed 4000 bolls—half a mark of duty to be paid on each (p. 191). On the same page we read that the Council consented to another relaxation of its ordinance. We are now told that not only England and Scotland were suffering, but that there was also "ane verie greate skarsetie and dearth of victuall" in France, Spain, and other parts beyond sea as well. In the case of these countries, also, it was conceded that 4000 bolls might be exported, but on this occasion the Council was not prompted merely by feelings of humanity. The kind of grain which these countries wanted was not appreciated in Scotland, and might, therefore, be the more readily spared. Moreover, the opportunity was one which offered "a profitable returne . . . ather in moneyes or other usefull commoditeis," and accordingly the exporters were
enjoined to look out for the best markets in which they might dispose of their commodities. In further illustration of the commercial notions of the time reference may be made to a few entries bearing on the same subject. Andrew Fraser of Stanywode was engaged in building a house, but when he came to the construction of the roof he found himself in a difficulty: no timber was to be had in Scotland, and Norway was the only country where it could be procured. Unfortunately there was a strict law in Norway against the exportation of timber except in exchange for victual, and it was an equally strict law in Scotland that no victual should be sent out of the country. The Council sympathised with the housebuilder in his straits, and permitted him to despatch ten chalders of meal to Norway provided he stowed it in one ship, and did so before the end of the following April (p. 185). On another page we find the Earl Marischal in the same difficulty as Mr. Fraser of Stanywode. He had undertaken to build a bulwark at Peterhead and to repair the harbour of the same town, but no wood was forthcoming, and the Council had to grant him the necessary licence to procure it from Norway (p. 201). So also in the case of David, Lord Carnegie, who was looking after "his better accommodation and ease in his lodgings" (Ib.).

From the earliest period of which we possess any commercial record the manufacture and export of salt had been one of the most lucrative of Scottish industries. It was with keen satisfaction, therefore, that both Charles and his Scottish Privy Council heard of "a new found out mysterie and invention" for the manufacture of the precious commodity. The ingenious inventors of the new process were Mr. James Galloway, Master of Requests, and Mr. Nathaniel Udwart, whose various activities prove him to have been one of the most enterprising Scots of his day. The advantages that were promised from their invention were sufficiently alluring: the quality of the salt produced was to be superior to any salt that had been seen before, and half as much again was to be turned out for the same consumption of fuel. The new "mysterie," it was seen, would at once tend to the

-Manufacture and Export of Salt.
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prosperity of the lieges and to the profit of his Majesty's straitened exchequer. It was with hearty approval of their welcome service, therefore, that Charles sanctioned a monopoly for thirty-one years to the inventors. It remained to be seen, however, whether the new process would fulfil the expectations of its patentees—such monopolies in the past having not infrequently proved as unproductive as those recorded of the Academy of Lagado (pp. 28, 209).—In another entry we have some interesting information regarding the importance of the salt industry to the country. A proposal had been submitted to Charles that the export of Scotch salt into England should be limited "to a small quantitie sellable onelie to ane few persouns." The rumour of this proposal called forth vigorous protests from various quarters. The magistrates of Edinburgh, in the name of their own burgh and those of every other burgh in the country, remonstrated to the Council on the disastrous results that would follow the adoption of such a policy, and the salt-owners and coal-owners, as the parties most directly interested in the proposed embargo, sent in a similar protest. The Council took up the matter with a due sense of its importance, and it is in its letter to the King that we come upon a few facts of economical interest. The coal and salt industries, we are told, were inseparably bound up together. As they then existed, ten thousand persons were employed in the working of both. Should the production of salt be largely diminished, the result must be a proportionate decrease in the output of coal: "without the benefit of the salt these sumptuous water workes and mynes required for maintenance and winning of the coale cannot be upholdin, and whiche, being forsakin but for ane moneth, the coale must perish never in anie age to be regaynnd." But not only the coal and salt industries would suffer; the carrying trade would be equally stricken. Half of the shipping of the kingdom was employed in the export of these commodities, and it would be a deadly blow to the prosperity of many burghs if their ships were left idle. And, in conclusion, the Council earnestly beseeches Charles not to set his face against that "mutuall freedome of trade" which his father had maintained with "princely care"
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(p. 255).—Though salt was one of the chief manufactures of Scotland, it was apparently found necessary to import a special kind of it from other countries. This we learn from an entry forbidding the export of such French and Spanish salt as then happened to be in the kingdom. This foreign salt, it appears, was used “for making and salting of fishe,” for which process the home product was not adapted. But in France an ordinance had lately been passed limiting the export of salt from that country, and hence the Act of the Council. One other item may be noted in connection with this subject: to the Earl of Linlithgow there was granted a duty of two shillings Scots on every exported ton of coal and salt, on the condition that he built and maintained a fort on the island of Inchgarvie in the Firth of Forth (p. 570).

But by far the most important business connected with commerce which the Council had on its hands was a vast enterprise prompted and eagerly supported by Charles himself. This was what was known in the language of the time as “the association for the fishing,” or, in other words, a joint-stock company, in which all the three kingdoms were equally interested, for drawing the utmost possible profit from such fish as were to be found off the coasts of both islands. It was the largest commercial undertaking that had hitherto been heard of in Scotland, and it will be seen that the people at large regarded it with a due degree of the national caution. The complete history of the scheme is to be found in the record of the Convention that met in Edinburgh, in the last week of July, 1630 (Acts of the Parliament of Scotland, V., pp. 208 et seq.). That record is itself drawn from the Privy Council Register, and supplements the entries in the present volume. As a little known chapter in the economical history of Scotland, the undertaking deserves more than a passing mention. As the documents that tell the story, however, fill more than twenty of the folio pages of the Acts of the Scottish Parliament, it can be but briefly recapitulated within the limits of a general introduction.

The first intimation we have of the scheme is in a letter from
Charles submitted to the Council by its Secretary, Sir William Alexander. In this letter Charles presents his reasons for the vast proposal to which he enjoins the Council to give its sanction and loyal support. "Having," he wrote, "with the advice of our counsell heere in England maturelie considered that als weill in thankefulnesse to almighty God as for the benefite of all our loving subjects we ought no longer to neglect that great blessing offered unto us in the great abundance of fishe upon all the coasts of these yllands to the end we may at lenth injoy with more honnour these rights whiche properlie belong to our imperiall crowne and ar usurped by strangers we have considered of a way whiche in tyme by Gods favour may produce this good effect and also increase our navigatioun and trade," etc. In explanation of the "way," Sir William Alexander bore a body of instructions, an outline of which will show the magnitude of the projected enterprise. The first consideration was that there should be a sufficient number of vessels for fishing the coasts of all three kingdoms. The proposal, therefore, was that the vessels already existing should be supplemented by two hundred more, varying from 30 to 50 tons. The cost of building and equipping 200 such vessels was reckoned at £76,133, 6s. 8d. The outlay was great, but great also was to be the gain. The vessels, once on the sea, were to make "three returns everie yeere," and each "returne" was to produce its own quota of profit. The profit from the first "returne," it was anticipated, would be £56,000; from the second, £93,734; from the third, £15,680. And so, concludes the sanguine reckoner, "these three fishings in one yeere will repay all disbursements and yeeld in cleere profite all the shippes and netts with their furniture to serve againe for manie yeeres and beside in money among the adventurers." We seem to have here the very temper that issued in the disasters of Darien.

But Sir William had been sent north with a more practical purpose than merely to submit the details of his Majesty's scheme; he had come with the specific object of seeing it set in motion by the Lords of the Privy Council of Scotland. To the
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Lords, therefore, were put these precise questions: how many vessels and how much money would Scotland be prepared to contribute as its share in the enterprise? To obtain a satisfactory answer to these queries they were told to address themselves to the nobility and gentry, but specially to the free burghs. Sir William also supplied the Council with further details regarding the means by which it was proposed to work the Association. There was to be one general joint-stock company for the three peoples, and in every large town there was to be a "severall companie" to arrange matters with the "adventurers" in their own neighbourhoods. A foreigner, it was strictly prescribed, could become an "adventurer" only on condition of being a naturalised subject in one of the three kingdoms. The Council was further informed that as the island of Lewis was "the most proper seate for a continuall fishing," his Majesty intended to manage that island himself, and to endow it with one or more free burghs—which last intention, as we shall see, did not meet with the approval of the Scottish burghs in general. Finally, Sir William completed his errand by calling on the Council to appoint a Commission to act in concert with similar Commissions to be nominated for England and Ireland. (Acts of Parl. of Scotland, V., pp. 220-223.)

The sederunt at which this business was transacted was held on the 30th July, 1630, and on August 3rd the Scottish Commission was duly appointed. The 7th of August was a busy day over the matter of the fishing. In the morning the newly-appointed commissioners reported the results of its first deliberation regarding the tenor of their instructions. They had found the "association with England to be verie inconvenient to the estait." Their main difficulty had been with reference to the "land fishing"—by which was meant the fishing in the inland lochs and for twenty miles off the seacoast. In all times, the commissioners stated, the land fishing had been the peculiar property of the natives, and had never been encroached upon even by the Hollanders. The burghs, they had ascertained, were strongly of opinion that the land fishing should be left to the natives, and that, if the proposed
association should be formed, its scope should be limited to the open sea. In the afternoon there was another meeting of the Convention, at which the representatives of the burghs were heard. They told the Convention what it had already heard from the Commission—that, if the land fishings were left in the hands of the natives, the burghs were willing to undertake the management of it, provided they were allowed to set up fishing stations in all convenient places. These opinions having been heard, the Convention empowered the Commission (increased by additional members) to proceed to England, and to render their first report in the beginning of November following. (Ib., pp. 226, 227.)

When the report was presented, the Convention was no longer sitting, and it fell to the Privy Council to consider it. The proceedings of the Scottish Commissioners are not recorded, but we have their criticisms on the general scheme together with the replies of the Commissioners for England. There were two main points on which the Scotsmen were dissatisfied: it had not been made clear that the land fishings were to be reserved to natives, and the proposal of Charles to erect one or more free burghs in the island of Lewis was against "the standing right" of the existing royal burghs. The answers of the English Commissioners to these objections could hardly have given satisfaction. To the first they could only reply that it was not the intention of his Majesty to "take away or derogat frome the particular and personall grants and rights of anye of his subjects," and for answer to the second they referred the discontented Scots to his Majesty "for more full satisfactioun." At the same meeting of Council two letters from Charles were read, both bearing on the scheme which he had so much at heart. In the first he commended the assiduity of the Council in the great work, and, by way of stimulating them to further exertions, added a few lines in his own royal hand. "This is a worke," he wrote, "of so great good to both my kingdomes that I have thought good by these few lynes of my owne hand seriouslylie to recommend it to you, the furthering or hinderling of whiche will ather oblige or disoblige me more then anie one bussines that hes happened in
my tyme." In the second letter he empowered the Council to
send commissioners to England with absolute powers to make
a speedy conclusion of the whole business (Ib., pp. 228-230).

On November 12th, 1630, the new Commission was appointed,
and with the full powers on which Charles had insisted. They
bore with them a number of instructions which prove that the
Council was bent on making as good a bargain as possible. The
commissioners were to insist on the reserve of the "inland
fishing," and that no Englishman was to be allowed to fish in
Scottish seas except as a member of the "association." They
were also to represent to his Majesty that Scotland had a
grievance in connection with the documents which had hitherto
dealt with his projected company. In these documents the
name of Scotland did not appear, being confounded "under the
name of Great Britane, altho there be no unioun as yitt with
England nor the style of Great Britane receaved there." The
commissioners, therefore, were to intreat his Majesty that in all
such documents henceforth he should style himself as "King of
England, Scotland, France, and Ireland." (Ib., pp. 231-233.)

It is not till the 31st March, 1631, that we again hear of the
doings of the Scottish Commissioners. On that day a letter was
read from them which gave the Council some trouble to answer.
When their commissioners had insisted on the reserve of the
inland fishing, their English colleagues had asked them to specify
what this reserve precisely meant. It was the burghs that had
all along persistently held to this exception, and to the burghs
the Council now applied for an answer to the question. After
some hesitation the representatives of the burghs enumerated the
various parts of the coast which, in their opinion, should be
reserved to natives. In their selection they were guided by the
consideration of the relative dependence of the communities on
the fishing industry, and they professed that their decision was
made only in favour of those which could not subsist if this
industry were seriously affected. The Council, however, thought
the fishing grounds thus reserved "to be of too large an extent,"
and made a specification of its own which might be more "to his
Majesties contentment." (Ib., pp. 234-236.) But even the
modified demand of the Council was not to Charles's "contentment." "We cannot conceive," he wrote, "what necessity can be for reserving of so many several places"; and he demanded a more reasonable reply which might enable the commissioners for the three kingdoms to bring their labours to a satisfactory conclusion. Once more, therefore, the Council had to appeal to the gentry and burghs, and in a meeting held at Perth (September 22, 1631) these two bodies made a final declaration. They had abated somewhat from their former demands, and in its communication to Charles the Council expressed the hope that he would find the concessions satisfactory. (Ib., pp. 237-239.)

It is not till the following September (1632) that we again receive definite information regarding the proceedings of the Commission for the Fishing. On the 7th of that month there was submitted to the Council a royal charter definitely constituting the "Association for the Fishing." In deference to Scottish feeling there were to be two copies of this charter, in which the Great Seals of Scotland and England were respectively to have the first place. With regard to the reserved fishing this was the final arrangement: the Association was to be excluded from the coast between St. Abb's Head and Redhead and between the Mulls of Galloway and Cantyre—natives alone being privileged to fish within these limits. Part of Charles's purpose, we have seen, was to erect free burghs in the island of Lewis, but on this point he also found it expedient to give way. The island was to be under his own special protection, but it was not to be within the scope of the Association and was to be left entirely in the hands of the natives. (Ib., 239-246.) Such in its broad outlines is the history of Charles's magnificent scheme for the furtherance of an industry which was to multiply his own and his subjects' resources. From the first it was received with little favour in Scotland, and subsequent legislation on the fisheries of the country abundantly proved that it was very far from fulfilling the sanguine expectations of its royal patron.

A few other entries regarding trade legislation have still to be noted. The new process of tanning which had been patented...
by Lord Erskine was still stubbornly rejected by many of the craft. In 1629 Erskine had proved to the satisfaction of the Council that his method was in every respect superior to the old one; and an Act was passed making it obligatory on every tanner to adopt it. But from the birth of trade corporations in the early Middle Age a pertinacious resistance to all novelties had been their distinguishing characteristic, and the tanners of Scotland seem to have had their full share of this spirit. In the present volume we have at least eight entries recording the summons of successive batches of tanners for defiance of the Act of Council and dogged adherence to the old process.

Yarn.

It is no novelty to find in the Register that dishonest trade and dishonest manufacture were not unknown in spite of watchful guilds and presbyteries. In the following entry we have a general charge against the makers and sellers of yarn. "Forsameekle as the trade and industrie of making of yarne and buying and selling of the same both within and without the kingdome thir diverse years bygane hes provin verie profitable to the countrie, and so long as it wes faithfullie and trewlie used it wes a speciall meane whairby moneyes and other necessar commoditeis wer imported and manie poore people haldin at worke; bot within thir few yeeres there is suche fraude and deceate used by the commouns in not using the first lenth of the reill and abstracting of the trew number of the threadis allowed for the hespe and cutt that there is now no trust at all given to the yarne of this kingdome, and there is little or no dispatche for it ather within or without the countrie to the great discrede of the countrie and hurt of the subjects who formerlie traded with yarne" (p. 302). To remedy what is thus described as a national evil the Council adopted a drastic measure: all yarn was to be sold by the weight, and the material of all persons found contravening the law was to be confiscated.

The Pearl-fishing.

The industry of pearl-fishing had been a frequent subject of legislation, and the entries now noted would seem to prove that it was an industry of some importance. In
1622 Robert Buchan, a merchant of Aberdeen, had received a commission to preserve "his Majesty's waters from the unseasonable fishing for pearls." It would appear, however, that Buchan looked more after his own interests than the interests of his Majesty; and the burghs felt so strongly on the point that they petitioned the Convention of 1630 for the annulment of his commission. The free burghs, it was declared, had always possessed the privilege of fishing for pearls whenever and wherever they pleased, and the petition craved that this privilege might be restored to them (p. 669). On the petition being presented to Charles, he desired the Council to call Buchan before it, and to cancel the commission which he had held for ten years (p. 548). Buchan did not yield his claim without a fight; and it was not till 1641 that his commission fell into abeyance (Acts of Parl. of Scot., V., 411).

Maltmen were a class of persons who had greatly exercised the legislature in times past, and they had been the objects of many and stringent laws which they had usually contrived to elude. The two difficulties with them had been to regulate the prices of the malt, and to see that in making the malt they did not go beyond the proper quantity of bere. Of recent years the maltmen had been reaping a golden harvest by keeping up old prices while the value of other commodities had depreciated. The exuberant fortunes of the maltmen had been brought to the knowledge of Charles, with the result that he sent a peremptory letter to the Council calling for such a regulation of prices as should put them on equal terms with other trades (p. 548).

In the present volume we find the usual ineffectual attempts to reform the currency. It was still the old evil with which the government had to grapple. Foreign dollars kept flowing into the country, displacing the native coinage and turning trade into a game of sharp practice. On September 8, 1630, we have another of the endless proclamations against the importation of foreign pieces. In the usual terms the lieges are charged to give
in the names of all such persons as offer them the prohibited dollars, and if these coins came into their hands, at once to convey them to his Majesty's Mint (p. 24). But the Council was puzzled by another difficulty: what was to be done with the intruding coins if they were given in? To this question they received a practical answer from Mr. John Acheson, "general of the Cunzie House." According to Acheson, the one cause of the derangement of the currency was the circulation of the foreign coins at a rate above that of native money. Supposing the dollars caught, therefore, his proposal was to convert "the basest sort" of them into small money and to confine its circulation to Scotland alone, after the example of France, Flanders, and Germany. In the case of rix-dollars, which were the most valuable, Acheson proposed that these also should be converted into coins of his Majesty, but with value undepreciated, and that they should be used in trade with the eastern countries. If these suggestions were not adopted, there was but one other way of meeting the existing evil: native money must be adapted to the present rate of gold, or, which came to the same thing, the existing coinage of the country must be diminished in fineness or weight. If the latter alternative were adopted, it would be advisable for his Majesty to take counsel with his officials of the Mint in England—a suggestion, we shall see, which Charles laid to heart (p. 63).

To the bewilderment of the Council it shortly afterwards had to entertain a proposal which went directly in the teeth of the proposal of Acheson. The new advice came from the burghs, which naturally had a lively interest in the successful solution of the great problem. According to the commissioners for the burghs, it would be mere folly "to decry or discharge the course of dollours till the countrie were first supplied with money." In the meantime the best policy would be to prevent the further influx of these coins, and that, with this object in view, coal and salt owners should be prohibited from accepting them in exchange for their commodities (p. 155). The Council adopted the suggestions of the burghs in preference to the suggestions of Acheson (pp. 298, 301); but, though this does not appear in the
present volume, this policy was only to make confusion worse confounded.

The proceedings in connection with the currency that are above related belong to the years 1630-1631. As there was little sign that matters were mending, however, it occurred to Charles to take Acheson’s advice and to consult an official of the English Mint, Nicholas Bryot or Briot. On the 6th December, 1632, this high authority duly appeared before the Council, and produced a “Declaration” that fills two pages and a half of the printed Register. This Declaration, however, is not very explicit, as it implies the knowledge of certain proposals by Charles which are only referred to in the present volume. On one point Briot made a sufficiently frank statement: he roundly charged the Scottish merchants and officials of the Mint with encouraging the importation of the foreign dollars and with deliberately refusing to adopt the only means by which the evil might be cured. Meanwhile, the consideration of Charles’s proposals for the remedy of the mischief was postponed till a later day—the 10th of January, 1633, being fixed for the commissioners of the burghs to deliver their opinion before the Council (pp. 578-582).

Another item in connection with the coinage has still to be noted. In 1629 it had been ordained that 500 stones of copper should be coined into penny and two-penny pieces—the object of the ordinance being to supply the poorer classes with sufficient small change to carry on their marketing (Vol. III., Sec. Series, p. xxxii). It would seem that the new coins were inadequate for the purpose they were intended to serve, as we now find the Council committing itself to a larger undertaking. On August 26th, 1631, an order was issued for the coining of 1500 stones of copper into “farthing tokens”—each to have the value of three pennies Scottish. As in the case of the penny and two-penny pieces, the convenience of home marketing was alleged as a motive for the new coinage, but to this motive there is added another which is worthy of note. In the case of gold and silver coins there was already a “correspondence” between England and Scotland, and one of the objects to be served by the new
coin was to establish a similar correspondence in copper, and thus to facilitate the trade between the two countries (pp. 323-325).

In the introduction to the last volume of the Register we left a special Committee, of which the Lord Advocate, the Bishop of Dunkeld, and the Director of Chancery were members, sitting in judgment on the Latin Grammar of Alexander Home, schoolmaster at Dunbar. On this subject there are no fewer than twelve entries in the present volume, and the story they tell is of sufficient interest to be related in some detail. Apparently the Committee did not find Home's book satisfactory, as they decided to displace it by another grammar, the production of Mr. Alexander Wedderburn, schoolmaster in Aberdeen. But before the Committee's arrangement could take effect accounts had to be settled with the author of the discarded grammar. Henceforward, according to the recommendation, Wedderburn's grammar was to be exclusively used in all the schools of the country, and its author was to have the sole right of printing and publishing it (p. 163). But these were precisely the privileges which Home had hitherto enjoyed, and some composition had therefore to be made between the two rival grammarians. To effect this arrangement four members of the Commission, the work of which was now at end, were specially deputed by the Council; but they evidently found it a business of some difficulty to intermediate between the two parties. Without waiting for a final agreement Wedderburn returned to Aberdeen, whither he was pursued by a letter from the Council charging him, under pain of rebellion, to return by a given day and square his accounts with his defeated rival (p. 176). The next two entries inform us that the burghs have been consulted on the great business, and that they have taken a step of their own to preclude all possibility of mistake (pp. 287, 310). They had ordered 200 copies of Wedderburn's grammar to be printed with the object of ascertaining the opinions of the most learned men in the country. The Council gave its sanction to this proceeding, but ordered the burghs to report the opinion of the
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learned men to the magistrates of Edinburgh, who in their turn were to report it to the Lords of Council. The learned men were not all of one mind as to the merits of the new text-book. Mr. Robert Williamson, schoolmaster in Cupar, not quite disinterestedly, as we shall see, made some strictures, which still another Committee was appointed to consider (p. 437). The book came triumphantly out of the ordeal—the objections of Mr. Williamson and those of another critic, Mr. James Gleg, schoolmaster in Dundee, being decided to be not "material." In accordance with this decision, the Committee gave in the following report to the Council:—"That the said Mr. David Wedderburne his grammar shall oncely be received, rectified, and amended in such particulars as the saids commissioners his thought or shall thinke expedient betuix and the secund Moonday of Junij nixtocom, at quhilk tyme, God willing, the saids commissioners shall report their full judgement and determinaun in the said mater concerning the said grammar" (p. 455). This report was given in on March 27th, 1632, and on the 7th June there came a letter from Charles which must have surprised the Council after all its assiduity. The letter demanded that a licence of twenty-one years should be granted to Mr. Robert Williamson (the critic of Wedderburn) to print and sell a Latin grammar, provided the said grammar deserved such a licence (p. 493). The answer to this communication does not appear in the present volume; but under date June 26th we read that the Council finally gave its sanction to the grammar of Wedderburn, and granted him a monopoly of it for twenty-one years (p. 501). If any further proof were needed to convince us that education was a matter of serious concern in Scotland, we assuredly have it in the story of Wedderburn's grammar.

One of the matters that bulked most largely in the preceding volume of the Register was a great controversy between Edinburgh and Leith. The dispute had turned on the old question of the superiority claimed by Edinburgh over its neighbour burgh; but it had eventually been narrowed down to a single point—the right of Leith to store victual withi
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its own bounds. At the point at which we resume the story, this was the position of affairs: the Council had overriden a decree of the Court of Session which had declared it to be illegal for the citizens of Leith to store victual without licence obtained from Edinburgh. Edinburgh was not satisfied with the Council's decision, and directly appealed to Charles to have it reversed. The part of the Register which contains Charles's reply has been destroyed (see p. 78), but from the references made to it we gather that it expressed his desire that the Council's decision should be rescinded (p. 81). Charles's letter was read in Council on December 2nd, 1630, and on the 6th of the same month we have the Council's reply. It stated that in deference to his Majesty's order the Act suspending the decree of the Court of Session had been rescinded in every point but one—the denial of the right of Leith to store victual without licence from Edinburgh. To deny this right, it was urged, would be "ane eminent prejudice to the State in generall and a particular hurt of a great number of the nobilitie and gentrie and uthers" (p. 82). But this proceeding was far from satisfying the demands of Edinburgh, which at once took steps to secure the further intervention of Charles in its favour. Alarmed at the possible result of this action, a deputation from Leith appeared before the Council (January, 1631), and lodged no fewer than twenty reasons (afterwards compressed into five) against its being deprived of what it claimed to be its prescriptive right of storing victual within its own bounds (pp. 600-603). What these reasons were the rubrics will briefly indicate, and they need not be recapitulated here. But the magistrates of Edinburgh had not bestirred themselves in vain. On June 23rd, 1631, the Council was constrained to pass an Act which implied a decisive victory for the capital. Nobles, barons, gentlemen, and others were to be allowed to send victual to Leith and to store it there, but to the inhabitants of Leith themselves the right was denied (pp. 248, 251). All that Leith could do was to protest against this new Act of Council which so summarily cut short its late triumph, but it boded ill for the future that the Council's latest decision had the express warrant of Charles (p. 251).
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It was not only in its dispute with Leith that Charles showed himself gracious to his Scottish capital; there are other indications to prove that he was specially desirous of being on good terms with its citizens. Thus we have a letter from him confirming all their privileges, and urging the Council to do its utmost to conserve them. With a manifest reference to the controversy with Leith, he writes: "We do heirby speciallie recommend unto yow that in all suche causes concerning their rights and priviledges as come before yow they may have order given for settling thairof as our lawes doe allow with all convenient expeditioun" (p. 432). For this favour shown to Edinburgh on the part of Charles we find an adequate reason in another class of entries in the present volume. We have seen that a principal part of the business of the Convention that had met at the end of July, 1630, was to impose a tax of thirty shillings on "everie pund land of old extent"—for the space of four years. In connection with the imposition of this tax Charles had graciously indicated to the burghs that he would be willing to accept a composition for all the four years' taxation. Several burghs accepted the offer, and specified the sums which they were willing to pay. The sums offered may be taken as a fair measure of the relative wealth of the principal Scottish towns, while the lead which so easily belongs to Edinburgh helps to explain Charles's favour for that burgh (p. 596). The respective sums compounded for were as follow:—Edinburgh, £40,000; Aberdeen, £5800; Glasgow, £3262 10s.; St. Andrews, £1960; Stirling, £1691 8s.; Linlithgow, £652 10s.; Canongate, £400; Dunbar, £363; Culross, £338; Hamilton, 400 merks (all in Scottish money).

A few other items regarding the burghs have still to be noted. Between the burgh of the Canongate and the burgh of Edinburgh there was a longstanding jealousy which had led to frequent disputes in the past. Of the nature of these disputes we have a pleasant example in the following case. Four "kists" (coffins) had been made by certain wrights in the Canongate, and had been conveyed by them to parties in the burgh of Edinburgh.
who had ordered these commodities. In each case the coffins had been appropriated by certain of the wrights of Edinburgh, and in the opinion of the wrights of the Canongate this was a violent breach of their privileges. The deacon of the craft, therefore, together with six of its members to support him, laid their complaint before the Council. A decreit of the Council itself, they pleaded, had confirmed the privilege for which they contended. By that decreit it had been ordained that the wrights of the Canongate should suffer no "trouble or impediment . . . in presenting their worke to the mercat of Edinburgh, and selling the same upon the ordinarie mercat dayes." Edinburgh, Broughton, and the Canongate had each its special interest in the case, and each sent its representatives to bear their testimony. The representatives of Edinburgh took their usual line in questions of this nature: they maintained that in accordance with instructions from his Majesty it was by the Court of Session and not by the Privy Council that points connected with the liberties of Edinburgh should be tried. Moreover, they urged, in similar actions between the craftsmen of Edinburgh and the craftsmen of the Canongate, the Council had given decision in their favour. When a Canongate glazier repaired windows in the burgh of Edinburgh, the bailies of that burgh had placed him in ward, and the Council had approved of their action. Again, when the Canongate weavers lodged a complaint against those of Edinburgh on precisely the same grounds as those now put forward by the wrights, the Council had likewise rejected their plea. Finally, the representatives of Edinburgh maintained "that the bringing in of coffines and dead kists from the Cannogait to the burgh of Edinburgh must be interpret to be ane direct working within the said burgh of Edinburgh, quhilk priviledge no unfreman can lawfullie challenge, becaus the maker of the coffine must take the lenth and breadth of the corps for whome it is made, he must call the nailes, dresse, calfat, and perfyte the coffine after it is brought in, quhilk is a direct working." Between the Council and the burgh of Edinburgh there had long been somewhat strained relations; and on the present occasion the Council had the satisfaction of finding that the law was against the jealous burgh. It
decided that, as the seizure of the coffins was an act of violence, the case properly fell within its jurisdiction, and it gave as its judgment that the craftsmen of the Canongate had a perfect right to make coffins and sell them to any persons, burgesses or others, resident in the burgh of Edinburgh, provided they did this business on market days only (pp. 460-463). To conclude these references to the burghs, we may draw attention to the alteration of fair-days within the diocese of Aberdeen, where by frequently falling on Sundays they had created a public scandal (p. 87); to the conflict of jurisdiction between the High Constable and the burghs (p. 584); and the case of the defaulting Edinburgh apprentice (p. 117).

In the present volume we have to note a re-awakened interest in the colony of New Scotland. The occasion of this renewed interest was the assertion on the part of France that the Scots in founding their colony had appropriated lands of which France had prior possession. The French King had made this representation to Charles, who called on the Privy Council to supply him with precise information as to the Scottish claim (Vol. III., Sec. Series, pp. 613, 614). The Council gave him the information he desired, and urged him at the same time “to take to heart the maintenance” of his plantation in New Scotland (pp. 40, 46). This letter was written September 9, 1630; and it is not till the 28th July, 1631, that we discover that definite action is being taken for the furtherance of the colony. From another communication of Charles we learn what were the means adopted to effect this purpose. On the foundation of the colony James VI. had ingeniously devised his well-known plan for attracting adventurers to the enterprise. By paying 6000 merks, or, as an alternative, on sending out six skilled workmen and maintaining them for two years, anyone might receive land to the extent of 30,000 acres, and become a “Nova Scotia baronet” besides. It was on the attractiveness of the new title that James and the originator of the undertaking, Sir William Alexander, appear to have mainly depended for alluring candidates to the colony. But from the beginning there had been no great eagerness shown to
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jump at the bait, and, what was specially to be deprecated, there had all along been a disposition to make light of the new dignity. If this disposition continued, it would not be well for New Scotland, and, accordingly, King, Council, and Alexander himself agreed that the most effectual means of advancing its interests was to let all Scotsmen know that the new title could not be safely slighted. At the market-crosses of all the chief burghs it was to be proclaimed that his Majesty would "let none of the baronets be anie wayes prejudged in the honnour and priviledges conteanit in their patents, but wil punishe all that darre presoome to wrong thame thairin." For the further encouragement of adventurers it was added that his Majesty had not the slightest intention of abandoning his claim to "New Scotland and Canada," and that he pledged himself to the protection of all his subjects who should be disposed to settle there. Since this was all the action that King and Council were disposed to take in the interests of the colony, it was evident that it could have no very brilliant future before it (pp. 299, 300).

Gipsies and Irish beggars were two perennial plagues of the Scottish legislature. Against "the counterfoote theeves and lymmaris, callit the Egyptians," we have a renewed specimen of the enactments that were directed against them. The standing law that hung over their heads was that any of his Majesty's subjects could "caus take, apprehend, imprison, and execute to the death the saids Egyptians, als weill men as weomen, as common, notorious, and condemned theeves be ane assise onelie to be tryed that they ar callit, knowne, repute, and haldin Egyptians." In spite of this terrific enactment gipsies continued as numerous as ever, and specially in the northern counties. Strolling about in gangs, and armed with lethal weapons, they terrorised the lieges wherever they appeared, and had become "ane insupportable burdein to the countrie." The Council could not go beyond its previous legislation against the hopeless race; and it was only left to it to urge all responsible parties to carry the law into effect with the vigour which the evil demanded. The Irish beggars appear to have made as light of the executive
as the gipsies. On November 19th, 1629, they had been ordered to quit the bounds of Scotland within fourteen days, and not to return under pain of death (Vol. III., Sec. Series, p. 354), yet under date September 8th, 1630, we find the same people under a similar warning to leave the country within fifteen days (p. 22).

One of the results that had followed James VI.'s attempt to force a legislative union between England and Scotland had been the abolition of the "hostile laws" which both countries had passed against each other in relation to trade. Though nominally abolished, however, hereditary jealousy and antipathy had proved too strong for legislation, and at the date we have reached the two nations still maintained their war of tariffs. To put an end to this state of things, so manifestly prejudicial to the interests of both, Charles issued a vigorous proclamation to enforce the existing laws. In matters of trade the three countries were to be one; and English, Irish, and Scots were to interchange their commodities as fellow-subjects of the same commonwealth. As the future was to show, however, it was only the slow growth of opinion that was to bring home to rulers and subjects alike that in the breaking down of all trade barriers lay the best interests of both.

DOMESTIC INCIDENTS.

Throughout the autumn of 1631 the Scottish people were given to understand that in the ensuing spring they would at length have their King in their midst. On August 4th, 1631, it was definitely proclaimed that Parliament would meet on April 13th of the following year, that the King would preside over it, and that he would seize the occasion of his visit to receive his crown. On the 16th of November, Charles gave a further pledge of his intention by expressly announcing to the Council that he might be expected at the appointed time, requiring that, meanwhile, all preparations should be made for his visit, specially calling the Council's attention to the preservation of game
(p. 372). Once more, therefore, and for at least the tenth time, the Council had to bestir itself for the reception of its master. The various details connected with the preparations are not recorded on this occasion, but one item is worth noting; the Treasurer and Deputy-Treasurer were told that in disposing of beer and other provisions provided for the royal visit they should do so "to the best availl and advantage" (p. 430). It was probably with well-grounded scepticism that the nation had heard that they were at length to be honoured by his Majesty's presence. If such was their feeling, they were not undeceived. On February 15th, 1632, Charles once again wrote, and told the old story: he found his engagements such that his visit must be deferred for another year (pp. 440, 441). Assuredly the Scots had good reasons for concluding that Charles was making a convenience of his "ancient kingdom."

Since the beginning of his reign Charles had at least found it convenient to have Scotland to draw upon when his foreign policy required an army to give it effect. In the opening years of his rule his own wars with France and Spain necessitated a steady supply of troops, but even when these wars were at an end, his entanglement with the great German quarrel rendered it necessary that he should contribute his own quota of men to the assistance of his allies. Every year, therefore, he had been issuing warrants for the levy of Scottish volunteers to proceed where he might order them. During the period before us Charles had to make larger demands than ever for Scottish levies. It was in the summer of 1630 that Gustavus Adolphus began his brilliant campaigns against the armies of the Emperor; and after long negotiations Charles cast in his lot with him and agreed to support him with English reinforcements. He issued six warrants in all for the enlistment of men for service under Gustavus, and, if all these warrants took effect, 12,600 Scots must have given their swords to the cause of Protestantism of which the Swede was the champion. The largest of the bands levied was one of which the Marquis of Hamilton was the commander, and for reasons afterwards to be noted it has a place in
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the domestic history of the country.¹ To these 12,600 Scots, who were to fight under the King of Sweden, a detachment of 1500 has to be added whose destination was the Low Countries, where they were needed to fill up gaps in the Scottish regiments. (See Index, s.v. Soldiers.)

Questions connected with maritime trade always occupied a due share of the Council’s attention, and in the present volume they fill a greater space than usual. The expediency of erecting safety lights on the Isle of May and on the Skair Heads (the Big and the Little Scare in Luce Bay) was the subject of much deliberation—all parties being agreed that the beacons were necessary, but differing as to who should be at the expense of erecting them. A more important question was that of “ballast in the Forth.” An alarming report was given in to the Council regarding the state of the river Forth above Queensferry. In that part of the river skippers were in the habit of depositing ballast wherever they came to anchor, with the result, it was alleged, that navigation must soon become impossible (p. 11). A special petition to Charles had called his attention to this danger to “the cheefeast place for trade” in his northern kingdom, and it was at his instance that the Council took steps to avert it. A Commission appointed for enquiry and report led to no immediate action, and it was not until the matter was referred to the burghs that an enactment was passed forbidding the casting of ballast except at specified points—the burghs undertaking to report once a year on the condition of the river (pp. 303, 335).

In the present volume there is frequent mention of pirates—a race who had been the scourge of maritime traders from the beginning. The Lord High Admiral had special instructions for dealing with them. It was on the West Coast that pirates had shown themselves specially mischievous,

¹ It may be noted that Hamilton's contingent distinguished itself at the battle of Leipzig and the siege of Magdeburg. See Colonel Monro's Expedition with the worthy Scots Regiment called McKay's Regiment (Lond., 1637).
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and the Admiral was commissioned to enlist such masters of ships as were willing to give their services in encountering them—the condition of such services being that any loss sustained should be made up to the losers (p. 270). At page 305 we read that Lord Cantyre earned the special commendation of the Council for a successful exploit against a pirate ship, which had been one of a number "be whome his Majesteis good subjects wer daylie infested and their goods spoiled." Putting to sea "in ane great boate weill manned and appointed with all warre-like furniture," Cantyre came up with the ship in question and gave her battle. The fight was a desperate one ("ane sharpe and cruell conflict"), and Cantyre lost several of his men, but his victory was complete, and such of the pirate crew as were taken were handed to the Lord Admiral "to underly thair deserved punishment." On the East Coast it was the "freebooters" of the Low Countries that played havoc with Scottish trade, and, as a few examples will show, these freebooters carried on their business with sufficient audacity. On the 19th of May, 1632, the Council had to communicate with the Mayor of Newcastle to the following effect. The day before, two freebooters of West Flanders had cast anchor in the Roads of Leith under the guise of friendly trading vessels. In the course of the night they made off with a Flemish ship, and on their way out of the Firth took several craft which were part of a merchant fleet that had just arrived from Holland. The Council had heard that there were commissioned "waughters" off the Northumberland coast, and its reason for addressing the Mayor was that he should set these watchers on the track of the pirates with the object of recovering the missing ships (p. 488). In another letter of the Council, addressed to the magistrates of Blackney, a similar exploit is recorded of a Dunkirk freebooter. By showing the colours of the Prince of Orange it got alongside of a Leith ship bound for the Low Countries, and appropriated its cargo. On its way home to Dunkirk, however, the marauder was cast ashore on the English coast, and the people of the neighbourhood made free with its spoils. To recover the goods of the proper owners, therefore, was the object of the Council's com-
municating with the magistrates of Blackney (p. 499). Other sources of annoyance connected with the shipping trade were the frequent misunderstandings that arose on questions of maritime law. Examples of these misunderstandings will be found at p. 401, where we have a letter of expostulation (in Latin) addressed to the magistrates of Lübeck regarding the alleged illegal seizure of a ship of that port by a Scottish privateer, and at p. 452, where we have another letter in which Charles is informed of the capture of a Scottish trader under circumstances which involved a breach of international law on the part of West Flanders. But the most notable case of this nature was that of Captain David Robertson, which has already been before us in the preceding volume of the Register. During the time of peace the ship of which he was owner and captain had been attacked and captured by two Hamburgers—several of his crew being slain in the encounter. The magistrates of Hamburg had replied to an expostulation of Charles, but the Council had not found the reply satisfactory, and granted to Robertson the letters of reprisal for which he had petitioned. It is at this point we take up the story as it is revealed in the present volume. Robertson had had a considerable experience of privateering, and he must have plied his commission to some purpose, as we find the magistrates of Hamburg writing to the Council to have his letters of reprisal cancelled (p. 187). From a subsequent entry we learn that Robertson has died, but that his “letters” have been renewed to his “partners” (pp. 413, 420). Instead of one captain we have now two (Captains Orrock and Scott) carrying on the game of reprisal, and this they seem to have done too energetically for Charles, but not so for the Scottish Privy Council. A letter from Charles proves that for some reason he was now desirous of making himself pleasant to the city of Hamburg. He had himself granted the warrant for the letters of reprisal to the partners of Robertson, but now he tells the Council, though in somewhat ambiguous terms, that the partners must content themselves with what was originally due to the deceased Captain Robertson, and that the letters of reprisal must be cancelled (p. 490). The Council replied with a recapitu-
lation of the whole affair from the beginning, and the tone of its letter implies that in its opinion the heirs of Captain Robertson were the aggrieved parties (pp. 557-560).

Witchcraft.

Out of the multitude of witchcraft cases recorded in this volume, there are a few that call for special notice. Marion Mure, widow of George Brown in Leith, of her own accord, sought the bailies and minister of Leith, and informed them that she had been a witch for many years past, and that at the persuasion of the devil she had renounced her baptism and taken the name of Katherine. In these circumstances the minister could only petition the Council that the bailies of Leith might be empowered to place her in their Tolbooth—a petition which the self-accused witch had herself urged. From the subsequent proceedings of the Council we are led to believe that it found the case one for the physician rather than the magistrate. A certain Dr. Gellie was called in and asked if he knew of "anie disease or infirmitie" from which Mrs. Mure was suffering. He was able to tell the Council that he had seen her, had found her suffering from "hypochondriack distractioun," and had given her a prescription to take to an apothecary—which, however, she had failed to do. We find no further mention of the case, but it is interesting to note that the Council took such a purely physical view of a matter which was generally regarded as peculiarly "metaphysical" (p. 426). In another case the Council was by no means disposed to make allowances for pathological conditions. It was brought under its notice that Mr. George Sempill, who had at one time been a preacher, was "a bizzie practizer and consulter in points of witchcraft." That a preacher should be suspected of such practices was deemed a scandal which could be dealt with only by the Council itself, and "Mr. George," therefore, was summoned to appear under pain of rebellion. The person who had informed the Council regarding his backsliding was Sir Walter Stewart of Minto, and, when Sir Walter came to be examined, it appeared that he had based his information on what he had heard from one Agnes Boyd who was herself under trial for witchcraft. From what we read on pp. 92-93, it would appear
that Boyd withdrew the charge (pp. 24, 50). The case illustrates how readily the terrible charge could be vamped up by unscrupulous or over-scrupulous persons. At pp. 111-112, we have an instance of a charge of witchcraft which the Council itself declared to have been without foundation. We further find the Council exposing one case of barefaced imposture. A certain John or James Balfour practised the not uncommon profession of witchfinder, giving out that by the usual method of thrusting pins into the bodies of suspected persons he could discover the devil's mark. The Council having heard of Balfour's performances summoned him to give an account of himself. He stoutly stood to his profession, but the Lords, we are told, after advising, found "that the said James Balfoure his knowledge in this mater hes onlie beene conjecturall and most unlawfullie used within God's kirk," and forbade him to exercise his art at his own peril (pp. 427-432). To realize the horror with which those suspected of witchcraft were regarded we have but to read the list of charges which were found proven against Christian Paterson, who is described as the wife of George Carmichael in Hirdmestoun, near Haddington. She had laid a "heavie disease" on one person, given "madnesse and phrenesie" to another; she had murdered a third by witchcraft, stricken a fourth with "heavie sicknesse," and ruined the bodies, souls, and worldly estates of others (p. 334). But the most notorious case of demonology that now occupied the Council was one which has already been noted in the preceding volume of the Register. Alexander Hamilton, a notorious warlock, who had met the end which he had courted, had accused Lady Home of Manderston of seeking the death of her husband by unholy practices. In point of fact the husband and wife had long been on bad terms, and Lady Home had even gone so far as to sue for a divorce. Sir George, her husband, however he might regard his helpmate, was indignant that such an aspersion should be cast upon his household, and appealed to the Council to have the matter probed to the bottom. It considerably hampered his endeavours, however, that he was so deeply in debt all round that he dared not show his face in Edinburgh for fear of arrest by certain of his creditors. Time after time, therefore, we find
him appealing for protection that he might be at liberty to clear his good name in the presence of the Council. But this was no easy matter, as the more the business was examined the more complicated it was found to be. When the warlock, Hamilton, had been pressed regarding his charge against Lady Home, he admitted that he had received his information from another warlock, John Neill of Tweedmouth. A further revelation connected with the charge casts its own light on the spirit of the time. From the confession of James Mowat, writer in Duns, it came out that he had forged the deposition of Hamilton in which he had incriminated Lady Home. But even this revelation does not seem to have been conclusive in Sir George's favour, as on the 8th of August, 1631, seven months after Mowat's confession, we find it stated in a letter of Charles, who had all along been interested in Home, that the case was not yet brought to "a finall period" (p. 316). Finally, in connection with the subject of witchcraft, attention may be drawn to the report of the trial of "John Philip, vagabound," in the Courthouse of Banff, in which the method of procedure in such cases is fully illustrated (pp. 637-639).

A more pleasant aspect of the time is presented by the charitable efforts of the country in favour of the ministers of the Palatinate who were suffering from the results of the Thirty Years' War. On June 30th, 1629, Charles wrote to the Council, drawing its attention to the pitiable plight of those ministers who had been driven in destitution from their homes, and who could find no help except from their brother Protestants in other countries. A general collection in their behalf had been ordered throughout England, and Charles recommended that a similar collection should at the same time be made in Scotland (Vol. III., Sec. Series, p. 275). On January 20th, 1631, we find that the Council has heartily adopted Charles's recommendation. Letters addressed to the bishops urged them to bring the case of the exiled ministers before all the parishes in their dioceses (pp. 118, 131), and copies of a Latin letter from the ministers to the Council were enclosed along with them. The Council itself
organised the charitable scheme; George Suttie and William Gray, merchant burgesses of Edinburgh, were appointed receivers of such sums as might be contributed, and all care was to be taken that the "collection" should reach its destination with as much speed and as little expense as possible (p. 132). When the moderators and clergy of the dioceses of Glasgow and St. Andrews showed themselves dilatory in sending in their respective collections, they were sharply told to do so at once "under pain of rebellion" (p. 277). As the result of its efforts the Council was able to send a substantial sum of over £3000 to relieve the wants of the destitute ministers.

On the 5th of July, 1631, the Council had before it a letter from Charles which must have been heard with various feelings by the fourteen members who happened to be present. The object of the letter, they were told, was to assure them of the falsity of a rumour which might have reached their ears. The rumour was to the effect that the Marquis of Hamilton, the Earls of Haddington, Roxburgh, and Buccleuch, and others not named were lying under suspicion of practices directed against his Majesty's own person. The matter here referred to is one of the many mysteries to be found in Scottish history. The Marquis of Hamilton, the principal party implicated, had succeeded his father in 1625, and was now only about twenty-four years of age. From the first, Charles had shown himself kindly disposed to the young Marquis. He had induced him to come to Court, had made him Master of the Horse, and "used him with so much tender kindness, that his carriage to him spoke more of the affection of a friend than of the power of a master" (Burnet, The Memoirs of James and William, Dukes of Hamilton, p. 4, edit. 1677). But Hamilton was not content to be a mere Court favourite; he burned to distinguish himself as a soldier. As the most direct means of attaining this end, he came under an obligation to Gustavus Adolphus to raise a force of 6000 men for service in the Thirty Years' War. With the permission of Charles the Marquis set about raising his levies, which were to be partly Scots and partly English. This work accomplished, he
was on the point of departure for the scene of action when that charge was raised to which Charles referred in his letter to the Council. The person who raised it was Lord Ochiltree, the hereditary enemy of the house of Hamilton. He was, in fact, the son of the notorious pseudo-Earl of Arran, who in the early part of James VI.'s reign had possessed himself of the titles and lands of the then forfeited Hamiltons. The accusation brought by Ochiltree against the Marquis was that his real object in raising the levies was not foreign service, but the seizure of the Scottish crown. As nearest to the throne of all Scottish families, the representatives of the Hamiltons might naturally be suspected of such a design, and from the reign of Mary till the union of the Parliaments every successive head of their house at one time or other lay under this suspicion. What gave force to Ochiltree's accusation was the fact that he professed to have derived his information from Hamilton's own intermediary with Gustavus, David Ramsay, a gentleman of the Privy Chamber. In carrying out Hamilton's business, Ramsay had enlisted the services of Lord Reay, and it was from Lord Reay that Ochiltree had learned Ramsay's opinions of Hamilton's real intention. If we may believe Burnet, Charles refused to listen to the story, and treated his favourite with greater kindness than ever. At Hamilton's own desire, however, Ramsay and Reay were brought face to face, with the result that, while Ramsay denied having made the statements which Reay attributed to him, Reay stood to his original averment. (Ib., p. 13.) Whether from policy or from conviction of Hamilton's innocence, Charles consistently acted as if all were well. He declared to the Council his belief in the loyalty of Hamilton and the other nobles at whom Ochiltree had pointed, and he gave the best assurance of his belief by urging on the levies which were under the special charge of Hamilton (p. 263). He took another step that pointed in the same direction: he sent Ochiltree to Scotland to be put through the form of a trial which should convince the Council and the country of the baselessness of the charge he had brought against Hamilton and the other Scottish nobles above-named. Brought down to Edinburgh as a prisoner, he was lodged in the Tolbooth, there to
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await the trial that was appointed for him. He was guarded with the utmost vigilance, and it was with difficulty that even his wife was permitted to visit him. All the circumstances connected with his case, indeed, suggest that there were secrets behind it into which it would have been impolitic to enquire too curiously. Ochiltree was in the Tolbooth by the beginning of November 1631 (p. 348), yet even in July, 1632, his trial had not begun, though again and again the date had been fixed and arrangements made for it. At length, on September 6th, 1632, a letter from Charles was tabled at the Council board, in which we find the following mysterious passage. "Having at this tymme amongst some other things concerning our service in that our kingdome imparted our mynde at lenth tuiching the Lord Ochiltrie unto our right trustie and weilbelovit cousine and counsellour, the Erle of Strathern [President of the Council], we have to that purpose givin directioun to him to signifie our pleasure unto yow, willing that suche ane course be takin with the said Lord Ochiltrie as the said Erle sall acquaint yow frome us" (p. 538). At this point, so far as the present volume is concerned, the business ends, and we need not anticipate the sequel.

In connection with the fortunes of great Scottish families two other items have to be noted, both of which excited considerable interest during the period before us. On August 26th, 1631, William, Earl of Menteith, Lord Kilpont, Lord Justice-General and President of the Council, received the patent of the Earldom of Strathern in virtue of his descent from David, Earl of Strathearn, son of Robert II. (p. 316). The granting of this patent has both a political and a literary significance. It raised the old question whether the descendants of Robert II. by his first wife, Elizabeth Mure, were not the true heirs of the Scottish Crown, and it prompted Drummond of Hawthornden to write his "Considerations to the King" and, in all probability, his "History of Scotland during the reigns of the Five Jameses" (Professor Masson, Drummond of Hawthornden, p. 221-223). The second item, if we may judge by the number of entries
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relating to it, occupied more of the Council’s attention than any other business throughout our period. This was the “rehabilitation” of Francis Stewart, son of the madcap Earl of Bothwell, who had been forfeited by James VI. for his repeated acts of sedition in the years preceding James’s accession to the English Crown. The son had regained James’s favour, and had received licence to enjoy whatever lands and titles he might acquire by “his owin industrie and pains”; and now Charles took the further step of restoring to him certain of the lands of the forfeited Earldom. The difficulty, however, was to decide which and what portion of the lands should be restored. Most of them had gone to the Earls of Buccleuch and Roxburgh, and the great business of the Council was to settle what could be legally taken from these noblemen and assigned to Stewart. In the final Act of Rehabilitation by the Parliament of 1633 the result of the investigation is definitively summed up, and by Charles’s decreit-arbitral Stewart was reinstated in his paternal possessions. But, says Scot of Scotstarvet, “male parte pejus dilabuntur; for he never brooked them, nor was anything the richer, since they accresced to his creditors, and now are in possession of one Dr. Seaton.” It is the son of this Francis Stewart, it will be remembered, who figures as the Bothwell of “Old Mortality.”

It was only by the constant reassertion of its authority that the government succeeded in maintaining a fair degree of order in the Highlands and the Western Islands. From a letter of Charles (10th December, 1631) addressed to the Council we might conclude that the Isles were relapsing into the condition which had existed previous to the “Band and Statutes of Icolmkill” (1609). On information supplied to him by the Bishop of the Isles Charles could write that “there is no order amongst thame [the Islanders] for increasing ather of religioun or civill policie.” To remedy this state of things he recommended the measures which had been so successfully adopted by his father: in the following April or May the Council was to summon the leading chiefs, and, if need were, to detain them till he himself should come to Scotland. The notorious Captain of Clanranald was
to be specially dealt with, as he had again been giving conspicuous proof of his contempt for authority. When the Bishop of the Isles had attempted to lay hold on a priest who was entertained by certain of Clanranald’s following, the attempt had been repulsed with violence offered to his own person (p. 389). The general state of the Highlands was equally unsatisfactory; and in their case there is abundant evidence to show that the government had good reason to be disquieted at the general prevalence of crime and disorder. In renewing the Earl of Moray’s commission for securing peace in the North, Charles declared that he did so by reason of “the insolenceis and oppressions daylie committed” in that part of the country (p. 3). We turn the page and find how this state of things came to be. We have there a long list of outlaws, mainly in Strathdon, who are represented as making light of their sentence and contemptuously refusing to appear before the constituted legal authorities. There was a simple explanation of their audacity: they were in the following of the great Marquis of Huntly, who had so often and so successfully made his own terms with the Privy Council (p. 4). But the contempt of law was not confined to the domains of Huntly; in Menteith and Strathearn there had “brokin louse... numbers of brokin and lawlesse lymmars of the Clan Gregour and other brokin clans in the Hielands, who by the force of his Majesteis auctoritie wer some few yeres bygane reduced to the obedience of law and justice.” To suppress this “infamous byke of lawlesse lymmars” a special Commission was appointed with powers, which, if they could have been enforced, would have left few of the “lymmars” remaining (p. 100). Now, as in the past, however, there was the same difficulty in bringing the forces of order to bear in the Highlands: from motives of self-interest many chieftains connived at acts of violence in which they might themselves have no direct part. In these circumstances the Council could but re-enact two statutes which had been passed in 1567 and 1594 for the maintenance of law in the Highlands and Borders. All “landlords and bailleis” of the lands in these districts were to find caution for the good behaviour of all persons in their “obedience” (p. 198). As will afterwards be
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seen, even this stringent regulation failed to take effect, and it became more and more apparent that the government of Charles did not inspire the same respect as that of his father.

Among all the Highland outlaws of the times James Grant in Dal taleis was the most notorious and dreaded. His exploits resounded throughout Lowlands as well as Highlands, and his name was on all men's lips. He belonged to the Grants of Carron, and his outlawry dated as far back as 1618, when he slew Patrick Grant in Lettache, of the Grants of Ballindalloch. The result of the homicide was a deadly feud between the two families of the Grants, in which James of Dal taleis made himself the terror of the district. Commission after commission had been issued for his arrest, but he had eluded every attempt at his capture, and, when the present volume opens, we find him still at large with a price of 5000 marks on his head (p. 92). The next document referring to Grant is a jubilant letter of Council to Charles announcing that the desperado had at length been taken. Six of his band had been captured and six slain, and he himself had received six arrow shots (p. 99). Conveyed to Edinburgh, he was lodged in the Castle, where, after the lapse of some time, he was made secure in irons (pp. 164, 204). It was the general conviction that it had not been without powerful support that Grant had so long been able to remain at large; and the Council apparently took every precaution both to keep him safe, and to provide that his trial should throw as much light as possible on all the circumstances of his career. When he was brought from the Castle to the Laigh Council House for examination, it was ordered that the bailies of the town should form his guard and that no one should be allowed to speak to him by the way (p. 258). In Grant's case, however, as in so many others, the suspicion arises that there were influences at work which were not in the interests of pure justice. It might have been expected that a criminal, whose misdeeds had been so flagrant, would be summarily disposed of; but in point of fact his trial was again and again postponed, and it was not till a full year after his capture that it was found "expedient"
to examine him regarding his "assistants, abbetters, and hounders out." It is further significant in connection with this resolution that he was not to be put on his oath and that no record was to be made of his deposition (p. 454). This decision was taken on March 27th, 1632, and the next entry (October 16th, 1632) regarding Grant informs us that he had made his escape from the Castle. Great, it would seem, was the indignation of the Council and great its zeal for his recapture. A vehement proclamation informed the lieges of the crowning "misdemeanour" of the "traitour, James Grant," and set forth a "pourtraite of his bodie" which might lead to his apprehension. Here is the picture of the man whose exploits leave far behind those of the Rob Roy of history, if not of romance. He was "of little stature, bald headed, braid faced, faire culloured, broun bairded, weake eyed, bow hoghed, fatt bellied, and about fiftie yeeres of age." From another source (Spalding, History of the Troubles in England and Scotland) we learn how his escape was accomplished. Enclosed in what was supposed to be a cask of butter sent in to him by his wife, he found a rope by means of which he descended the walls of the Castle. Every preparation had been made to ensure the success of his attempt. His natural son was ready to receive him when he descended, and the two in company made direct for the North. After lying sick in the woods near Denny for nine days, Grant finally disappeared in the Highlands, there to resume his career at a later day. The proceedings that followed Grant's escape strengthen the suspicion that more exalted persons than his wife had been concerned in it. After so successfully playing her part she also made her way to the North and sought the protection of the Marquis of Huntly, though on what "pretext" the Marquis professed to be quite unaware (p. 561). By the order of the Council she was conveyed to the Bishop of Aberdeen, who was instructed to cross-examine her and report her deposition. Though "sollemmelie sworne," she denied all art and part in her husband's escape, and even sought to mislead the authorities by suggesting that he had probably gone to visit his daughter in Ireland (pp. 576-578). With this
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mendacious statement the record of Grant closes in the present volume.

But, as has already been said, the most notable incident in the history of the North was the famous tragedy, known as the "Burning of Fren draught." The relation of the Council to this incident consists in its protracted endeavour to discover the perpetrators of the crime, if crime it was. For the attainment of this object two means were adopted, the record of which occupies a considerable proportion of the present volume. A special Commission was appointed to visit the spot and to report on the question whether the fire was intentional or the result of accident; and, as a further means of discovering the truth, a number of persons, who were supposed to possess information regarding the unhappy business, were brought before the Council and subjected to long and searching examination. Under these two heads the numerous entries in the Register referring to the subject may be conveniently grouped. These entries have more than once been consulted by writers who have dealt with the incident,¹ but with the whole material now before us it can be treated with greater fulness of detail. Before noting the most important references to the subject, however, it is necessary to give a brief account of the tragedy itself.

In the Introduction to the preceding volume of the Register reference was made to the bitter feud between the Crichtons of Fren draught and the Gordons of Rothiemay. In connection with the feud it will be sufficient to note its history from the beginning of 1630—the year of the Burning. On the first day of that year an encounter took place between a party of the Gordons and a party of the Crichtons, in which the former lost William Gordon of Rothiemay and the latter, George Gordon, brother of James Gordon of Lesmoir. Through the mediation

of the Marquis of Huntly James Crichton, the Laird of Frendraught, made his peace with the Gordons by paying the sum of 50,000 merks to the widowed Lady of Rothiemay. On the 27th September of the same year there befell another incident which leads us directly to the story of the Burning. In the fray which had chanced in the preceding January the Laird of Frendraught had been assisted by a gentleman named John Meldrum, who, not considering himself sufficiently rewarded for his efforts, indemnified himself by stealing two of Frendraught's horses. Having heard that Meldrum had taken refuge with his brother-in-law, John Leslie of Pitcaple, the Laird of Frendraught went in search of him, and, in the meeting that ensued, John Leslie, son of the Laird of Pitcaple, was shot through the arm. With the intention of again procuring Huntly's good offices, Frendraught sought that noble at his Castle of the Bog, whither he was followed by the indignant father of the wounded man. Pitcaple did not receive the satisfaction he desired, and left the castle in no pleasant temper. Detaining Frendraught for the night, Huntly sent him home the next day accompanied by his son, John, Viscount Melgum, and several of his own retainers. At the invitation of Frendraught the party agreed to remain over-night in his Tower. "They wor weil intertaynde," writes the chronicler, "soupit merrelie, and to bed went joyfullie." About midnight, after all had retired, the fire broke out, six persons were burnt, including the Viscount Melgum and the young Laird of Rothiemay who had accompanied him to Frendraught.¹

As the clearest and most succinct method of presenting the various entries relating to the Burning of Frendraught they are here arranged in tabular form and in chronological order. It will be remembered that the tragedy took place on the morning of the 8th of October, 1630:—

November 2, 1630.—James Crichton, Laird of Frendraught, appears before the Council and comes under obligation to abide investigation into the burning of his Tower of Frendraught (p. 49).

¹ These incidents are somewhat differently told by Spalding in his "History of the Troubles," and Sir Robert Gordon in his "History of the Earldom of Sutherland."
November 25.—Alexander Leslie, brother to John Leslie, elder of Pitcaple, John Meldrum in Reidhall, Robert Wilsoun in Dykeside of Auchterles, and Robert Ridursie in Meikle Wartill, have been charged at the instance of the Laird of Frendraught to appear for trial before the Justice “for the treasonable burning of the house of Frendraught.” (p. 72). The John Meldrum here mentioned was the same who had stolen the two horses from Frendraught. He was the only person who was executed on the charge of having been party to the Burning.

November 30.—Commission for the arrest of John Toase, Thomas Jose, John Gibb, and Robert Bewie. These persons held respectively the offices of master of the household, steward, gardener, and cook to Frendraught (p. 74).

December 7.—Supplication by Thomas Meldrum of Iden and his son, William Meldrum, for protection that they may appear before the Justice anent the burning of Frendraught (p. 80).

The Laird of Banff becomes caution that James Clerk, James Toase, and Thomas Joyce, all servitors of Frendraught, will remain within the burghs of Edinburgh and the Canongate, and appear before the Council as often as they are summoned (p. 81).

December 9.—Examination of witnesses postponed till January 21, 1631 (p. 84).

December 16.—Mr. John Horne and James Clerk, chamberlains to Frendraught, allowed to return home (p. 94).

Thomas Meldrum of Iden becomes caution in 3,000 merks for the indemnity of James Crichton, his wife, children, and household (p. 96).

December 21.—The trial and torture of Margaret Wood, a servant-girl, postponed till January 20, 1631 (p. 97).

December 23.—Commission to George, Lord Gordon, and others to produce certain persons for examination anent their knowledge of the Burning (p. 103).

Commission to the Bishop of Dunblane and others to examine John Meldrum (p. 105).

January 11, 1632.—Commission to the Bishop of Aberdeen to examine Lord Forbes upon the interrogatories given in by the Laird of Frendraught (p. 112).

January 13.—Supplication by the Laird of Frendraught that the trial fixed for January 21, 1631, be postponed. The Council postpones the trial till June 15 (p. 115).

Deposition by Elizabeth Strachan, Lady Blackhall, anent Margaret Wood (p. 607).

February 1.—Margaret Wood to be put to the torture of the boot the following morning (p. 130).

Various depositions anent the Burning (pp. 609–611).

February 2.—Deposition by Margaret Wood and others (pp. 611–616). Wood’s deposition was given under torture.

Laird of Frendraught becomes caution in 100,000 merks that his wife and the Laird of Banff will remain in Edinburgh till they are allowed to depart (p. 135).

February 3.—John Toase and John Meldrum to be put to the torture if their answers be not satisfactory (p. 135).

February 5, 1631.—The torture of John Toase and John Meldrum to be postponed till further evidence be forthcoming against them (p. 136).
INTRODUCTION.

February 10, 1631.—Margaret Wood to be tried for perjury (p. 141).

February 15.—Ministers appointed to visit her in prison, and endeavour “to make her sensible of her sinfull estate” (p. 143).

April 1.—Margaret Wood to be scourged and banished (p. 200).

April 4.—Commission appointed to visit the Tower of Frendraught and investigate the origin of the fire (p. 207).

April 20.—The Commissioners report that they are unable to determine whether the fire was accidental or not, but that it could not have taken place “without aide from within” (p. 214).

April 26.—At the request of Charles a special Committee of the Privy Council is to be appointed to inquire into the origin of the fire (p. 320).

January 9, 1632.—Letter of Charles from which it appears that, owing to the pressure of other business, the Committee has been unable to direct its attention to the Burning of Frendraught (p. 402).

June 5.—Letter from Charles requiring the Council to devote one day a week to the Burning (p. 489).

——— Another letter from Charles requiring the Council to put John Meldrum to the torture (p. 490).

July 5.—Commission appointed to try John Toshe, and to apply torture if necessary (p. 505).

November 20.—Petition by the Marquis of Huntly for the postponement of the trial of John Toshe (p. 569).

Such are the significant entries in the Register which record the action of the Council in connection with the Burning of Frendraught. The protracted nature of the proceedings is the first fact that strikes us. The first entry above noted falls under November 2nd, 1630, and the last under November 20th, 1632. As the result of all the Council’s investigations only one definite conclusion had been reached: the girl, Margaret Wood, had been found guilty of perjury in giving her evidence, and was sentenced to be scourged and banished. Regarding the two persons, John Toshe and John Meldrum, whose guilt was most strongly suspected, the Council was still in doubt, though at a later day Meldrum was justly or unjustly to be charged with the crime and to suffer for it. As far, therefore, as the evidence of this portion of the Register goes, we are left completely in the dark as to the origin of the disaster. From the report of the special Commission, as from the depositions of the different witnesses, no conclusion can be drawn as to whether the fire was the result of accident or deliberate intention, and in this atmosphere of mystery the question will probably remain. In connection with the application of torture one or two interesting facts emerge. It is evident that the Council had no
liking for this method of extracting the truth, and only in extreme cases had recourse to it. It would seem, also, that when torture was applied it was the unwritten law of the Council that all its members, or, at least, all within call, should be present. From a letter of the Council to Charles we learn in what light it regarded the practice. In appointing the Commission for the investigation of the origin of the fire Charles had expressed the wish that the Commission should have the power to apply torture if it was found necessary. To this proposal the Council opposed two objections: such a power would be an infringement of a privilege which belonged only to itself as the supreme judiciary of the kingdom, and it would, moreover, be a "dangerous preparative" which might have evil results in the future (p. 435). At a later period of the national history the Privy Council did not exhibit the same indisposition to make full use of its privilege.

The examples of lawlessness above noted were confined to the north of the Forth; in the Lowlands, also, we find several instances of audacious defiance of authority. As specimens of such cases we may refer to the proceedings in connection with the Place of Touch and the manor of Whitekirk (pp. 32, 33). The judgment of the Council in the case of an atrocious incident reported from the Shetland Islands carries us back to a remoter period of Scottish history. A certain Walter Feya was charged with having "verie cruellie cutted out the lugges of ane poore woman's heid," and the sheriffs of the Orkneys and the Shetlands consulted the Council as to what punishment should be inflicted on the perpetrator of such an act. The answer of the "supreme judiciary of the kingdom" was that Feya's own ears should receive similar treatment if he were found to be guilty (p. 140). At p. 223 we have the complaint of the minister of Dunscore regarding an unruly parishioner, one John Moffat at Craigenputtock, who had long been under excommunication for "disobedience to the kirk." One Sunday, when the minister was baptising a child, Moffat, accompanied by one of his tenants, entered the church, seized the laver, and "slang" its contents
over the church. This was but one misdemeanour on the part of Moffat and his attendant, as we are told that they were in the habit of breaking down the wall of the churchyard, feeding their cattle and sheep within the same, and so "defiling and abusing the churchyard with the dung of their bestial as if it were a fold or byre" (p. 228). In connection with this case it may be noted that kirks and ministers were not infrequently the objects of unusually outrageous acts of violence. At p. 89 we have the account of a scene in the "Little Kirk" in Edinburgh, in which two prominent personages played the chief parts. On Sunday, December 12th, 1630, the Laird of Freandraught, of whom we hear so much, was "sitting quietly and peaceably" in that place, awaiting the beginning of the service, when John, Bishop of the Isles, entered and made for the Laird "with ane angrie and boasteous countenance." Freandraught, according to his own account, made way for the angry bishop, who instead of passing on raised his fist with the intention of bringing it down on Freandraught's head. In his heat, however, the bishop missed his blow, but succeeded in knocking off his intended victim's hat, and this in "the sight of the haill people conveened in the kirk, who with great greefe recented the scandalous profanatioun of thair kirk upon the Lord's holie Sabbath." The Council sympathised with Freandraught in his complaint, but, as his assailant was "ane ecclesiastical persoun," they handed him over to the Archbishop of St. Andrews. The bishop, it should be said, brought a counter-complaint against Freandraught, but the Council was of opinion that he failed to prove any part of his case.—A mysterious affair, the details of which are not fully recorded, was the burning of the house of Mr. David Leitch, minister at Dundrennan. The fire took place "under silence of night," and there was a strong presumption that it was not the result of accident, but the work of certain excommunicated persons. In this case, as in that of the Burning of Freandraught, the Council appears to have been helpless from the contradictory nature of the evidence. It took its usual step of appointing a commission of enquiry, but the result does not appear in the present volume (pp. 257, 258, 268, 396, 438). But the most notable case of
insubordination out of the Highlands was that of Patrick Halket of Lumquhinnans, aided and abetted by his family and dependents. On pp. 485-487 we receive the following information regarding the proceedings of the Halkets. For "twelve or fourteen years" they had "maisterfullie and violentlie keeped and possesest" the place and lands of Lumquhinnans "in contempt of law and justice." On the 5th of March, 1630, they had been denounced rebels and put to the horn. As they paid no heed to this intimation the sheriff of Fife was empowered to effect their arrest and to eject them from what was virtually a stronghold. The sheriff entrusted one of his deputies with the execution of the law; and that officer, accompanied by several attendants, proceeded to the Place of Lumquhinnans. The Halkets were as undismayed as ever; they had laid in a fresh store of provisions, weapons and ammunition; they had erected a "sconse" near the house in which they had planted their guns; and had strengthened their garrison by the enlistment of a number of soldiers lately returned from service on the Continent. When the depute summoned them to surrender, he was greeted with "blasphemous words"; "they cared not altho the devill tooke thame, for they behaved once to dee." As the depute had not received warrant of fire and sword, he could only withdraw and report his ineffectual errand. In these circumstances there was but one course open to the Council—to empower the sheriff to raise the lieges and carry the Place of Lumquhinnans by assault. This warrant was granted on May 2nd, 1632, and on June 7th, the sheriff-depute of Fife was able to present the two brothers, Andrew and John Halket, before the Council (p. 492). In this case, there was no delay of justice: on the 12th of June the brothers were sentenced to banishment for life (p. 495).

Miscellaneous. At p. 236 we find notice of a custom which throws a curious light on the observance of the post-Reformation Sunday. In the dioceses of Aberdeen and Moray it had been the practice of messengers and other officials to announce their commissions at the church doors during the time of divine service. The effect of these proceedings was somewhat discomposing both to the
preacher and his congregation. When the official was at the door, every worshipper supposed that he might have a special interest in the intimation about to be made, and rushed out to hear it. The Council was of opinion that this custom was “to the great offence of God, scandal of the Kirk, and contempt of all good order”; but the ordinance which it issued does not give proof of excessive zeal for the decorum of public worship. It was forbidden “to execute anie letters or precepts of whatsoever nature or qualitie upon the Sabboth day except onlie warnings for removing and redemption of lands, inhibitiouns of teinds, warnings to compeir before the Commissioners for the Surrenders and Teinds and charges of horning quhilks be the warrand thairof ar ordained to be execute at parish kirks.”

Attention may be called to two other entries, both of which, however, are well-known to those interested in the subjects to which they refer. The one contains a proposal of the magistrates of Edinburgh “for the ease and conveniencie of the Estaits and credite of the kingdome to build and raise ane Parliament hous and Counsel hous and Session hous” (p. 448); and the other a letter from Charles recommending the foundation of a “College of Physicians” (p. 69).

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

P. HUME BROWN.
ERRATA.

P. v., line 7 from foot of page, for 1631 read 1632.
P. xxviii., line 13 from top of page, for Alexander read David.
REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

ACTA, DECRETA, &c.
"Forsameekle as the Kings Majestie hee written his princellie directiouns unto the Commissioners of his Parliament for prorogatiioun and continewing of the same until the first day of Apryle nextcomel, whairby his Majestie may have some more tym to yeare and leasure to be heere in person at the said Parliament and to receave his crowne for the peace and securiteit of this his native and ancient kingdome, thairfor the Lords of Secret Councell, according to his Majestis expresse command and direction sent unto thame, ordains letters to be direct charging heraulds, pursuants, and messingers of armes to pas to the mercat croce of Edinburgh and others places needfull and there be opin proclamatioun to make intimatioun to all his Majestis lieges and subjects that the said Parliament is prorogat and continewed till the said first day of Apryle nextcome, and to warne all prelatel, noblemen, commissioners for the barons and burrowes and all others having place, vote or owning attendance in the said supreme Court of Parliament to attend and await upon the same the day foresaid with continuatioun of dayes and to doe and performe all and sundrie suche things as to their places and offices appertanees, with intimatioun as effeirs. Followes his Majestis missive for warrand of the Act abonewrittin.—CHARLES R.—Right
trustie and right weibelovit cousine and counsellour, right trustie and right weibelovit cousines and counsellours, right trustie and weibelovit counsellours and trustie and weibelovit counsellours, we greit yow weill. Whereas we have written our princelie directions unto our Commissioners of Parliament to prorogat and continew the same unto the first day of Apryle nixtocomе whairby we may have some more tyme and leasure to be there in person at the said Parliament and to receave our crowne for the peace and securite of that our native and ancient kingdome, our pleasure thairfoir is and we doe heirby authorize, will and require yow that after the said Parliament sall be prorogated and continued, as said is, yow caus intimat the said prorogatioun and continuation to all our good lieges within our said kingdome by opin proclamation at the mercat croce of Edinburgh and others places neidfull, and warne all prelates, noblemen, commissioners for barons and burrowes and all others having place, vote or owing attendance in the said supreme court of Parliament, to attend and awaite upon the same the foresaid day with continuatioun of dayes and to performe all and sindrie suche other things as to their places and offices doeth appertaine. And for doing of the premises these our letters sall be unto yow and everie of yow frome tyme to tyme your sufficient warrand and discharge in that behalfe. And so we bid yow heartilie farewell. Frome our Court at Whitehall the 20 day of Apryle 1630."

Sederunt ut die predicto.

"The whilk day in presence of the Lordis of Secret Counsell compleird personallie Johne Gordoun of Buckie, and become actit and oblest as cautioner and souertie for Doctour William Leslie that he sall depart and remove furth of this kingdome betuix and the tent day of August instant under the pane of are thousand pundis. And the said Doctour Leslie, compleirand lykewayes personallie, actit, band and obliest him not to returne agane within the said kingdome without his Majesteis licence under the pane of twa thousand pundis."

"The whilk day George, Vicount of Dupline, Lord High Chancellor of this kingdome, produced and exhibite to the Lords of Privie Counsell ane warrand signed be the Kings Majestie and directed unto him willing him to receave and admitt Maister James Galloway, Maister of Requestis of this kingdome, to be one of the Privie Counsell of the same, the said Lord Chancellor having first administred unto him the oath accustomed in the lyke caises. Quhilk warrand being heard and considerrit be the saids Lords, they ordaine the same to be insert and registrat in the Bookes of Privie Counsell to the intent that howsone the said Mr James sall happen to repaire to this kingdome, the oathe may be administrat unto him and that accordinglie he may be admitted to be ane of the said Privie Counsell; of the whilk letter the tennour folowes:—
Charles R.—Right trustie and wellbelovit couensellour. We, understanding perftetye the sufficiencie of our trustie and wellbelovit Mr. James Galloway, Maister of requisets to us for the kingsdom of Scotland, and his affectioune to our service, we ar pleased in regarde thairof and becaus his charge doeth necessarilie requyre that he sould be one of our Privie Counsell, to promove him to be one of the nomber. And thairfor our pleasure is and we doe heirby requyre yow that having administered unto him the oath accustomed in the lyke caise yow admitt him to be one of our Privie Counsell and to have thairin suche exercise and priviledge of his place as anie other Maister of requisets at anie tyme heretofore hath had. And to that effect that yow caus enact the same in the Bookes of Counsell of Scotland; for doing thairof these presents sall be your warrand. Givin at our Court at Whitehall this fyft of May 1628."

"The whilk day the missive letter underwrittin, signed be the Kings Majestie, was presented to the Lords of Secret Counsell and read in their audience, quhilk being considderit be thame, they crdaine the said missive to be insert and registrat in the bookes of Privie Counsell there to remaine ad futuram rei memoriam; of the whilk missive the tennour followes:—Charles R.—Right trustie and right wellbelovit couisine and couensellour, right trustie and wellbelovit couisines and couensellours and right trustie and trustie and wellbelovit couensellours, we greet yow weill. Having beene formerlie pleased upon some good considerations than moving us to require our right trustie and wellbelovit couisine and couensellour the Erle of Morray to surrender his commissioon, bot being informed that the insolences and oppressions daylie committed within these northerne parts in great contempt of our auctoritie and lawes require a speedie course to be takin for repressing thairof, and being still confident of the said Erle his affectioune to our service, and that he will use the execution of that commissioon (whiche we intend not to renew at the expyryng of the dait thairof) in suche a moderate and faire maner as none of our subjects can have just caus to compleane, our pleasure is that the said commissioon be continewed according to the tyme and tennour thairof and be als effectuall unto him in all respects whatsoever as if we had never required him to surrender the same. And (if it be by yow found requisite) that yow approve the same ather by act of Counsell or by causing intimat our pleasure heerin in suche parts and after suche maner as yow thinke fitt, or otherways after what other forme yow for that purpose sall thinke most requisite, whiche recomendning to your care we bid yow fareweill. Frome our Court at Whitehall the last day of June, 1630."

Sedent—Treasurer; Preses; Marshell; Mar; Wintoun; Lin-Holyrood
lithgow; Roxburgh; Seafort; Annerdaill; Lauderdale; Bishop
of Dunkeld; Bishop of Abirdene; Bishop of Dumblane; Air;
Complaint by Janet Grant, as mother, Patrick and Archibald Grant, Fol. 97, b. as brothers, and Patrick Grant of Strahauche, as uncle of the deceased Thomas Grant of Dalvey, and John Grant, apparent of Ballindallachie, as the party grieved, as follows:—On 30th September 1628 Robert M'William M'Gruman in Belledine, James M'Gruman, his brother there, William M'William M'Gruman there, James Grant in Innerouer, John Gordoun, younger there, John Beg, John Baine there, Allan Boyne M'Finlay in Innerochie, John M'William V'Eane there, Robert M'William V'Eane, his brother there, John Riache M'Inraour in Cleuchrie, Alaster Dow M'Inraour in Glenconiglas, William Stewart in Tomnachlagnane, John M'Alaster V'Jeanie Riache in Auchinlechine, William M'James M'Gibboun in Kirkmichael, Ferquhar M'Jeanie Riache in Ballintrowane, John M'Lauchlane in Innerchebbet, Patrick Gordoun and John M'Agie in Innerouer, John Dow M'Gibbonache in Cleuchrie, and John Cumming there, were put to the horn at complainers' instance for not compearing before the Earl of Murray, his Majesty's Lieutenant and Justice in the north, and his deputies, to underlie the law for the slaughter of the said Thomas Grant and Lauchlan M'Intoshe, son of the deceased Thomas M'Intoshe in Roakmore, and they remain contemnutiously at the horn, and have their residence within the bounds of Stradoun, pertaining to George, Marquis of Huntlie, and George, Lord Gordoun, his son. They are under their obedience, and accompany them "at their oasting and hunting and all others their assemblies and gadderings," and therefore the said Marquis Fol. 98, a. and his son, as masters and proprietors of Stradoun, ought to be responsible for these rebels and produce them to justice. Charge having been given to the said Marquis and his son, and they compearing as defenders, together with the said John Grant, apparent of Ballindalloche, for himself and the other pursuers, and witnesses having been examined, the Lords find "that the peace and quyet of the countrie necessarilie requires that the saida Marquis of Huntlie and Lord Gordoun, as being the onelie men of power, freindship and authoritie within the bounds foresaid, aucht andould be burdened for exhibitioon of the saida rebells, seing the wodsetters ar not of power nor auctoritie to doe the same," and they give order to this effect.

Complaint by John Toft, shepherd in West Gordoun, as follows:—On April last James Mouat of Fawythe, armed with a sword staf, and accompanied by "ane great mastich dog," came to the Mains of West Gordoun, where the complainer was peaceably pasturing his goods, and hounded the dog at him. The complainer turned to defend himself from the dog, when James Mouat came "behind his backe, drew
his sword and strake him in at the craig thairwith,” and having given him “manie others bloodie-strikes,” left him lying for dead. The pursuer compearing, but the defender not, the Lords ordain him to be put to the horn.

Complaint by Mr. John McKeinzie, student in St Andrewes, David Mitchell and John Finnell, common servants there, and Robert Wilsoun, servitor to the said Mr. John, as follows:—On April last, Mr. Alexander Gray, indweller in St Andrewes, came to Mr. John McKeinzie’s study in the town of St Andrewes, he being for the time at Edinburgh, and there the said Mr. Alexander Gray, and some others with him, broke up his coffers, took out his books and other property within the said study, “and verie cruellie buffetted the saide David Mitchell, John Finnell, and Robert Wilsone, with his hands and feet, to the effusion of his blood, and specially caused the said Robert Wilsone to gushe furth blood at the mouth and nose.” The pursuers compearing by John M’Clie, their procurator, and the defender also being present, and the probation being referred to his oath of verity, on his deposing that the study in question was his own, and that the other parts of the complaint were not true, the Lords assolzie him.

Complaint by Sir James Balfoure of Kynnaire, knight, Lyon King-of-Arms, as follows:—Their Lordships have recommended to him the reformation and correction “of suche abuses as hes beene verie frequent and commoun within this kyndome in the persounes of goldsmiths and painters by giving of armes promiscuouslie to all persounes without trewe notice and distinctioun of the qualiteis of the persounes to whome they give the same, and the Lords of Privie Counsell by thair proclamation published at the mercat croce of Edinburgh, having commanded all goldsmiths and painters to exhibite thair bookeis to the compleauer to be perused and considerit be him and to be corrected in suche points as ar defective and uncorrect thairin,” yet none of them have produced their books, and intend to continue in their former abuse of “giving armes at thair pleasure to the great disgrace and discrude of this kyndome.” Charge having been given to Alexander Rid, Gilbert Kirkwod, George Craufurd, Thomas and William Crawford, George Robertson, James M’Awlay, Thomas Cleghorne, James Dennistoun, John Mudie, James Stalker, Charles Dickiesone, Andrew Boyle, John Scot, James Fraser, Andrew Lamb, and Thomas Thomesone, goldsmiths, and John Miller, William Stewart, John Sawers, James Warkman, elder and younger, and Robert Tailzefeir, painters, to comppear and produce their “bookeis of armes” for the purposes above stated, the pursuer and all the defenders comppear, and the said James Warkman produced “ane booke of armes,” which the Lords having seen, and having “heard the said Sir James anent the abuses and errors conteanit thairin,” they ordain “the said Sir James to peruse and examine the said booke and to reforme and rectifie the errors and faults that he sall find thairin, and
the said booke being thus corrected and amended to delyver ane double thair of to the said James Warkman," whom with the remanent defenders, painters foresaid, they discharge meanwhile "of all painting, drawing and setting doun of armes bot by the advice and direction of the said Lyoun or of his deputis warrantid by him to that effect; and ordains the interments and funeralls of noblemen and gentlemen of good qualitie to be marschalled and ordered by the appointment of the said Lyoun and suche of his breathrein unto whom he sall be pleased to committ the charge of that bussines, and discharges the saids painters to interpose thameselvys, or to meddle in anie thing concerning the saids funeralls except the painters of armes allanerlie, and that in maner abone preservyd. Lykeas the saids Lords ordains the said Lyoun to make and set doun ane perfyte Booke of Armes, and to delyver ane just and trew copie thairfof to the deacon of the goldsmiths to remayn with him and his successouris in the said office for ane warrand and exemplar to the rest of the goldsmiths whairby to rule their working and gravying of armes. And becaus it is understand to the said Lords that some mesingers of armes being suspendid or depreyved and thair blasonys takin from thame, doe notwithstanding in contempt of auctoritie and abuse of his Majestis subjects caus make new blasonys and serves his Majestis subjects thairwith as if they were not suspendid nor depreyved; thairfoir and for avoiding of this abuse in tyme comming, the saids Lords discharges the saids goldsmiths of all making of anie blasonys to anie messinger till thay first acquaint the said Lyoun thairwith and receive his warrand and allowance to that effect, under all highest pane that they may incurre by law incase of thair disobedience."

Complaint by William Wilson, elder, in Monkriq, William Wilson, his son, John Dickiesone there, Andrew Marke there, William Sinclair and John Middelmist in Hadintoun, as follows: — They have been charged at the instance of Thomas Scheills in Sandersdaes, Margaret Bartisow, his wife, John, Alexander, and Thomas Scheills, his sons, and Bessie and Isobel Scheills, his daughters, to find caution for their indemnity, each in 500 merks. This sum is far beyond their quality, they being "bot simple yeomen and meilmakers, living be thair handie labour," and so in terms of the Act of Parliament limited to £40, and they crave modification thereof accordingly. The pursuers compearing by Mr. Alexander Hepburn, writer in Edinburgh, and the defenders not compearing, the Lords meanwhile suspend the letters issued against them, and ordain the caution to be modified in each case to 100 merks.

"The Lordis appointis the nixt Counsaill day to be upoun the aucht of September nixt."

"Ane missive from his Majestie concerning M' Williams Kellie for usurping upoun him the baillierie of the lordship of Dunbar. Ordains him to be warnit to the nixt Counsall day."
"The quhilk day the Capitane of the Clanranald gaif his compeirance before the Counsell to whome the Lordis recommendis the building of a kirk in South Ust."

"Sir Donald McDonald, cautionar for the Capitane his compeirance the naxt yeir and for observatioun of the remanent conditionis contenit in the formair actis."

"The quhilk day the Capitane of Clanranald nominat James Logy his dwelling house as a domicile quhairat all chargeis to be used aganis him salbe execute."

"A missive anent the Franshe ship procect befor the Admirall."

Sedervnt—Chancellor; Treasurer; President; Privy Seal; Mair- shell; Mar; Murrey; Wintoun; Roxburgh; Seafor; Annerdaill; Air; Lord Gordoun; Lord Lorne; Bishop of Dunkeld; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Master of Elphinstoun; Sir William Alexander; Sir Archibald Achesone; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

"Forsameekle as the Kings Majestie out of his royall and princelie regarde of the weale of this his ancient kinglyme, being carefull to foresee all occasionis for preventing anie inconvenient that may come by leading of teinds this yeere, his Majestie for this effect gave direction to the commissioners nominat be his Majestie for the treatise anent the surrenders and teinds to take some course that the heretours made or to be made, they paying or securing their teind maisters for the same, especiallie where the titular being callit was found and declared to be in default of the not valuation of the teinds. Qhahrainpound sirdrie titulaires and heretours being laitlie conveene before the saids commissioners, and they having takin tryell in some particulars concerning this busines, a part of thame beene discust. But the shortnesse of tyme and manie great occasionis of his Majestis affaires and service interveining in the meane tyme impedid and stayed the commissioners to discusse all the citations and warnings givin to that dyet. And whereas some mistaking might be apprehendit be his Majestis subjects of his Majestis gratious and royall intentioun anent the mater of the teinds, as if his Majestie intended that everie heretour sould lead his awin teinds without respect to the valuations and in whois default the not valuations hes proceedit, thairfor the Lords of Secrret Counsell for preventing of suche mistakings and for cleering his Majestis subjects of thair doubts in this point hes thought meit heiby to signifie and declare that nane of his Majestis subjects watsomever ar warrantt by his Majestie to lead thair teinds this present yeere bot suche as hes beene in use of leading thir diverse yeers bygane and hes
beene heard before the saids commissioners and by thame hes beene allowed to doe the same. And thairfuir ordains letters to be direct to command, charge and inhibite all and sindrie his Majestie liese and subjects be opin proclamioun at the mercait croes of the heid burrowes of this kingdome and others places neidfull that none of thame presocome nor take upon hand to leade thair teinds this present yeere except suche persons as hes beene in use of leading thair teinds thir diverse yeeres bygane and suche as hes beene warrantt be the saids commissioners to doe the same, they fulfilling to the titulars the conditionis prescerved to thame under all highest pane, cryme and offence that they may incurre agains his Majestie in that behalfe, and to be callit, persewedd and punished as disturbers of the public peace and quyetnes of the kingdome."

"Forsameekle as the Kings Majestie by his letter directed to the Lords of his Privie Counsell hes signified his royall and princely disposition towards the burgh of Edinburgh and suche others burrowes as would joyne with thame tucheing the componing with thame for thair extraordinayr taxatioun quhairin his Majestie hes declared that he will be no lesse favourable than his lait royall father wes, and as his Majestie upon good consideratios hes heeretofore beene, and thairfuir his Majestie pleasure is that the saids Lords sall compone with suche of thame as is willing to goe on in that course, as his Majestie letter directed to the saids Lords heeranent beiris. Qhairupon Mr. John Hay, Clerk of the said burgh, compeirand personallie before the saids Lords, and his Majestie royall will and pleasure being signified unto him, he in name of the said burgh and with most humble thankes acknowledging his Majestie favour showin to the said burgh in this point, offered to give unto his Majestie the sowme of fourtie thowsand pundis in full contentment and satisfactioung of the ordinayr taxatioun of the said burgh and of the extraordinayr taxatioun upon the annuels rents for the whole foure termes payment of the said taxatioun; quhilk sowme wes the usual and ordinairie sowme that wes payed be the said burgh for the ordinar and extraordinar taxatioun thairof in the twa taxatiouns immediatlie preceeding, and the said Mr. John Hay promiesst that thankefull payment sall be made of the said sowme at the termes of payment of the said ordinar taxatioun. And he declared that in the distributioun of this sowme amongs the nighbours and inhabitants of the said burgh, the said burgh would use the commoun and ordinairie form observed in tyme bygane by making choise of sworne men to stent the saids inhabitants without urging of anie persons to give up inventor of the sowmes auchtand unto thame or by thame for whilk annuel is to be payed, and that they would stent nane bot the heretours of lands within the said burgh according to the rate of thair lands and rents within the same, and all others burgesses and inhabitants within the said burgh not being members of the Colledge of Justice, who be vertew of the Act of
Conventioun ar lyable and subject to the payment of the ordinar and
extraordinar taxatioun within the said burgh, comprehending theirin
als weill minors with their tutors and curators as all others
persons of lawfull and perfyte age. Quhilk offer made be the said
M' Johne Hay in name of the said burgh being heard and considderit
be the saids Lords and they rypelie advised thairwith, thairfoir the saids
Lords with the Kings Majesteis gratious allowance hes accepted and be
the tennour heerof accepts the said offer of fourtie thousand pundes
made be the said M' Johne Hay in name of the said burgh in full and
compleit satisfacțioun of the ordinar taxatioun of the said burgh, and of
the extraordinar taxatioun upon the annuelrents for the whole foure
termes payment thairof; and ordains the provest and bailies of the
said burgh to deliver to the Collectour of the taxatioun or Clerk of the
same ane note subscryved be the Clerk of the said burgh conteaining
the names of all suche persons within the same as ar burgesses and
freemen lyable to watche and ward and to contribute with the said
burgh in all the publict dooes thairof sua that they nor no uthers be
comprehendit within this agreement, secluding out thairfor of the mater
of the extraordinar taxatioun all persons dwelling in the countrie altho
they have tenements of land within the said burgh for the quhilk they
ar lyable to pay ordinarie taxatioun; commanding hereby all the
inhabitants within the said burgh that none of thame presomme to lend
their names to the outputing of moneys apperteaning to persons
dwelling in the countrie as they will answere upon the contrarie at
thair perrell."

"The whilk day in presence of the Lords of Secret Counsell compeired
personallie Paul Meinzeis of , provost of the burgh of Aberdein,
and M' Alexander Jaffrey, baillie of the said burgh, and declared that in
the taxatioun grantit to our lait soverane Lord of famous and blessed
memorie and in the taxatioun grantit to the Kings Majesteis in the moneth of October 1625 they agreed with the saids Lords for the sowme
of ane thousand foure hundreth and fiftie pundes for everie yeeres pay-
ment of the extraordinar taxatioun of the said burgh upon the annuel-
rents in the twa taxatiouns foresaidis. And whereas the lait
 taxatioun grantit to the Kings Majesteis in the moneth of
July now bygane is equivalent in proportioun both for the ordinar
and extraordinar taxatioun to the twa former taxatiouns abonewrittin
grant[it] in August 1621 and in the moneth of October 1625 the saids
Paul Meinzeis, provost, and M' Alexander Jaffrey, baillie of the said
burgh of Aberdein, and as commissioners for the said burgh, offered to
take the lyke course with the saids Lords for their extraordinar taxati-
un at this tyme as they did in the twa former taxatiouns foresaidis,
and they humbelie desyerd the saids Lords to accept of thair offer and
to agree with thame thereenant, and that they might have an Act of
Counsell past and extendit thairupon in the same forme and tennour

The Council,

by allowance

of his Majeity,

accept the

offer of the

burgh of

Aberdeen to

pay 1400

pounds as

composition

for four years'

taxation.
whilk they had in the twa former taxatiouns abonewrittin. Quhilk Acta July 1629-December 1629. Fol. 245, b. of the saids Lords and they having lykeways read, heard and considerit his Majestie missive letter directed unto thame whairby his Majestie hes signified his royall will and pleasure that the lyke course be tane with suche of the burrowes as ar willing to goe on with thame in this present taxatioun as wes done in the twa preceeding taxatiouns abone writtin, thairfor the saids Lords hes accepted and be the tennour heerof accepts of the offer foresaid of ane thousand foure hundreth and fiftie pundis made be the saids provest and baillie of Aberdein as commisioners and in name of the said burgh for the extraordinar taxatioun thairfor for everie ane of the foure yeeres payment of the said taxatioun, quhilk sowme for everie one of the saids foure yeeres they ordaine to be payed with the ordinar taxatioun of the said burgh at the termes of payment of the said ordinarie taxatioun and to be paid be the burgesses, freemen and inhabitants of the said burgh who be the law hes beene obleist in tyme bygane to pay ordinar taxatioun and to keepe watche and waerd and to beare all others burdeins for the weale of the said burgh, togidder with the wedowes and the sonnes and daughters, being minors, of all suche burgesses, freemen and inhabitants as in thair lyfetymes wer of the conditioin and nomber abonewrittin and did beare burdein within the said burgh in maner abonespecified, sae that they and no others sal se comprerhendit within this agreement, secludint thairfor all persons dwelling in the countrie although they have tenements of land within the said burgh for whilk they ar lyable to pay ordinar taxatioun. And for releefe of the magistrats of the said burgh anent the payment of this extraordinar taxatioun the saids Lords gives full power and commission be thir presents to the saids provest and baillieis of the burgh of Aberdein and thair clerk to take up inventars of all moneys lent out upon annueltents be the neighbours and inhabitants of the said burgh of the qualitie and conditioin abonewrittin, and to hold courts to that effect conforme to the Act of Estaits made anent the said extraordinar taxatioun; and the saids inventars being made, ordains letters to be direct charging all and sindrie persouns of the qualitie and conditioin abonewrittin addebbed in payment of the said extraordinar taxatioun upon annueltents to make payment to the saids provest and baillieis of the dew taxatioun of the same annueltents within tentwenty dayes after the expyreing of eache terme appointed for payment of the said extraordinar taxatioun, under the pane of rebellion, etc., and if they falye to denunce and to escheit, etc., and, if neid beis, that the saids provest and baillieis poyn and distreinzie thairfor. Followes his Majestie missive for warrand of the twa acts 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 greit yow weill. We being no lesse favourable inclynned towards our
burgh of Edinburgh and suche others our burgheis as will joyn with thame taecheing the componing for thair extraordinarie taxatioun than our lait royall father wee and as we upon good consideratiouns have beene heeretofore, our pleasure is that yow compone with suche of thame as ar willing to goe on in that course according to the forme accustomed, if yow thinke the same best for the good of our service, for doing whairof these presents sall be your warrand. So we bid yow fareweill. Frome our Court at Whitehall the 3 of Julij, 1630."

"Forsameekle as ane propositioun hes beene made unto his Majestie in the behalfe of John Boswell of Craigsyde proportioning that whereas the river of Forth being the cheefest place for trade within this kingdome is muche spoyled by throwing thairin of ballast of shippes trading heer whairby the same at manie parts is so shallow that if tymelie remedie be not used it will in tyme bring great annoyance to that part of the kingdome and in speciall to suche of the nobilitie and gentrie having commoditise for sale upon the coasts and sides thairof and to suche others who trade thairin both natives and forrainers. And seing in all parts of Europ and others civill parts where rivers ar whairin trade is used the ballast of shippes is takin away and employed to some use or cast upon the nixt adjacent shoare by some persons speciallie appointed for that purpose who have some certane allowance for that effect, and seing it is most necessar that the lyke good order sould be observed within the said river of Forth and that the same may be done for keeping thairof cleane without exacting upon anie persons trading there forder than they thameselsselfes sall know to be fitt and necessarrie and what the Lords of Privie Counsell sall thinke meit for the generall good of trade within the said river—thairfoir the said Lords ordains letters to be direct charging Alexander, Erle of Linlithgow, Sir John Blacader of Tulliallan, Sir John Hamiltoyn of Grange, Mr Alexander Hamilton of Kinglassie, Alexander Bruce of Alva, George Bruce of Carnock, Schaw of Sauchie, Wardlaw of Torrie and John, Lord Wemes of Elcho, to compeir personallie before the saids Lords upon the aucth day of September nixt to underly suche order as sall be tane in this mater under the pane of rebellioun, etc., with ceritificatoun, etc. Follows his Majestis missive for warrand of the act abonewrittin:—

CHARLES R.—Right trustie and right weibelovit cousine and counsellour, right trustie and weibelovit cousins and counsellours, right trustie and weibelovit counsellours, we greit yow weill. We being moved upon the enclosed petitioun bearing a motioun for keeping cleane of the river of Forth wer the rather pleased to hearken thairunto in respect the petitioner desirieth to proccid no further in that purpose then what sall be thought necessarrie by persons knowing how necessarrie it is to putt the same in practise or yow sall thinke meit to prescribe. Our pleasure is that yow consider of this petitioun and if yow finde what is thairby demanded fitt to be grantit that yow without the petitioners
further troubling of us authorize him and his partners to proceed therein for suche tyme and after suche maner and provisious as yow sall thinke most expedient for the increase and good of trade within that river, he having suche fitt allowance for performance thatirof as yow in your judgements sall thinke requisite; whiche recommending to your care, we bid yow fareweill. Frome our Court at Whitehall the nth day of June 1630."

"The Lords thinke fit that the holding of circuit courts for this yeere sall be forborne."

"The Lords of Secret Counsell understanding that thair is sindrie persons within the jayle of Dumfreis upon whome necessar it is that justice be ministrat, thairfor ordains the Justice Depute to repaire to Dumfreis and to concur with the Commissioneres of the Middle Shyres for holding of courts, and incaise of thair refuisall to hold courts be himselfe; and that a letter be writtin to the Commissioneres for that effect."

"The Lords of Secret Counsell nominates the Lords Chancellor, Thesaurar, President, Privie Seale, Roxburgh and Wintoun, the Secretareis, Clerk of Register and Advocat, to con vene and meet with the Erle of Seaforth and to confer, deale and treate with him upon the pryce to be givin be his Majestie to him for his right of the Lewes."

[Sederunt as recorded above.]
appointed during that period an aliment of seven chalders of victual to his wife, that the Council will ratify an assignment to her of the rents of Fentonbarns by her husband. As they cannot agree to cohabit and remain in household together, an agreement was made through the mediation of friends at Edinburgh on 28th July last whereby it was arranged that they shall remain separate for three years, and for the sustenance of his said wife and their children, the said Sir Michael, with consent of Sir Robert Hepburne, donator of his escheat, has disposed to her annually six chalders of victual and three dozen fowls, upliftable from the said lands of Fentonbarns. They crave the consent and ratification of the Lords to this contract, which their Lordships grant, ordaining the same to stand effectual during the years above mentioned.

Commission under the Signet to the Sheriff of Aberdeen and his deputies, and the provost and bailies of Aberdeen, or any three of them, or the provost or one of the bailies being always present, to hold courts and try Marion Hardie, a vagabond, born in the town of Elgin, who was lately apprehended in the town of Aberdeen as a suspected witch, and being examined before the Bishop of Aberdeen and the provost and bailies of that burgh, confessed several points of witchcraft and accused of witchcraft.

Signed by Geo. Cancell, Mortoun, Monteith, Hadintoun, Murrey, and Wintoun.

Similar commission, signed as above, to Sir William Cuninghame of Caprington, James Chalmers of Gatgirth, and John Stewart, provost of Air, for the trial of Janet Wallace in Uchiltrie for witchcraft.

Another commission, signed as above, to Andrew Monro of Delnes and the provost and bailies of Tayne for the trial of Siacke Nine Dod Moir in Little Allane, and Janet Moir, daughter to the deceased Katherine Nemerstoun, in the presbytery of Tayne, for witchcraft.

Another commission, signed as above, to Alexander McKenzie of Culcowie and the bailies of Channonrie, for the trial of Janet McGillichooan in Channonrie for witchcraft.

Commission under the Signet to William, Viscount of Drumlanrig, and James Johnestoun of that Ilk, Sir Robert Greir of Lag, and Robert Crichtoun of Ryhill, jointly and severally, to search for, apprehend, and ward within the tolbooth of Edinburgh, Robert Johnestoun, eldest and unnatural son of Christian Johnestoun, goodwife of Newtowne Johnestoun, who, being summoned before the Council by his mother for breaking up her doors and "kists" and taking forth thereof certain documents and sums of money, abscended and was put to the horn. His mother has taken out letters of caption against him, but these have proved fruitless through the neglect of the officers of the law. Signed by the same Lords, with the addition of Mar.
“The Lordis continewis the mater anent the salt ship till the eight of September and ordainis all pairtyis to be present that day and the Admirall to produce the proces wherof intimatious was maid to Mr. James Robertoun who was personalie present.”

“The Lordis nominatis Graycrooke to be shireff principal of Edin-burgh, Andro Ker of Yair to be shireff of Peblis, the Laird of Ricartoun to be shireff of Lynlythqu, the Laird of Luss to be shireff of Dumbartane for the yeir to come.”

Sederunt—Chancellor; Treasurer; President; Privy Seal; Mar; Acta July 1630—December 1630.

Wintoun; Roxburgh; Buxleùche; Seafort; Annandaill; Bishop of Dumbline; Lord Gordoun; Lord Lorne; Lord Areskine; Lord Carnegie; Lord Naper; Lord Tracquair; Sir Archibald Achesone; Clerk of Register; Justice Clerk; Sir John Scot.

Holyrood House, 10th August 1630.

Act fixing the prices to be paid by the Earl of Moray for provision furnished to him by the lieges during the expedition for the apprehension of James Grant in Daltaileis and others.

“Forsameekle as James, Erle of Murrey, is authorized with ample commissioun for persute of James Grant in Daltaileis and his rebellious complices, and whereas it is verie necessary and requisite that in this service and expediucion aganis the saidis rebellis the said Erle sould be furnished with vivers in the bounds where he passes at ane reasonable rate and pryce, thairfoir, and to the intent the said Erle be not extortiouned nor the lieges oppressed, the Lords of Secret Counsell hes modified and sett doun, and be the tennour heirof modifieis and setts doun the rate and pryces of the vivers underwritten whiche they ordaine the said Erle and his followers to pay and his Majesteis subjects to receave in maner aftermentioneoun, viz., for ane kow, ten pundis; for ane sheepe, tua merkis; for the stane of butter, fittie shillings; for the stane of cheise, twentie shillings; for the boll of meale, six pundis; and for the pece of the foules, three shillings: Commanding heirby all and sindrie his Majesteis subjects in whois bounds it sall happen the said Erle and his forces to repair to readilie furnisce, provyle, and answere thame of vivers at the pryces abonewritten: provyding alwaies that the said Erle use that discretion in making his provision that he uplift not the same all frum one manbot that he burdein all proportionable and according as they may spare, and that in suche reasonable quantitie as may serve for their interteamenent during thair stay or passage through that countrie where the vivers ar uplifted, and that he sall make present and thankefull payment for what he sall so take according to the rule and pryce abone prescryived.”

The Lords of Secret Counsell nominats and appoints and thairwithall gives warrant and commissioun to Alexander, Erle of Linlithgow, and Johne, Lord Areskine, to repair to the lands and bounds laitlie over-flowed with water and mosse and speciallie to the lands of the Powes and to consider and give order where and in what places draughtis sall be cassin, levellis and passageis made, and what ellis is fitting to be done for

Commission to the Earl of Linlithgow and Lord Erskine anent the mosse.

See Vol. III. (Second Series), pp. 87, 568.
securing the neighbouring lands from inundatioun and skaith, and ordains the workes to be undertakin and followed out upon the charges of the moneys already collected towards this purpose."

"Forssamekele as the Lords of Secret Counsell having heard and considderit the petition givin in unto thame be the persons heretoures whois lands wes overflowed with mosse, desyerin that the moneys collected towards their releef might be imbrought and made compt of conforme to the first order prescryved thereon; and the saids Lords understanding the good affectioun of Mr Johne Rollock, commissar of Dumblane, and Robert Rollock, servitour to the Erle of Mar, and that they will bestow their paines and travellis in the ingaddering and receaving of the saids moneys from the persons that ar or sall be appointed for collecting of the same, lykees they have acted thameseliffes to make the saids moneys furthercummand and to exhibite and delver the same to his Majesties Counsell to be distribute and disposed of amongs the parteis interested as the Counsell after consideratioun sall give order and appoint; Thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power, warrand and commision to the saids Mr Johne Rollock and Robert Rollock or anie of thame to receave all and sindrie sowmes of money contributed and givin towards the purpose aforesaid frome the persons particularlie nominat and appointed be the Counsell for collecting of the same, and to give acquitannces and discharges upon the receipt of the saids sowmes or anie part therof, which sall be valide and effectuall to the persons receavers of the same. Commanding heirby the saids collectours and everie ane of thame to make payment and delverance to the commisioners abonenominat or either of thame of the whole sowmes of money collected be thame; and for the better tryell and cleering of the truthe of this mater to exhibite and delver their bookes to the saids commisioners and to make faith that the sowmes thairin conteanit ar trew and that thair is no part conceale nor omitted furth of the same; and ordains letters to be direct heerupon if neid beis in forme as effeirs."

"The whilk day Sir Robert Gordoun accepted upon him the shireship of Innernes and gave his oath for faithfull administratioun thairof."

"The Lords of Secret Counsell prorogate and continewes the warrand grantit to Sir George Home of Manderstoun for persewing of certane persons alledgit to have wronged him by witchcraft untill the first day of November nixt, discharging in the meanetyme all shireiffs, stewarts, bailleis of regaliteis and their deputies, provests and bailleis within burgh and all others his Majesties judges, officiars and magistrates to burgh and land and als all messingers of armes of all taking, apprehending, warding or arreisting of the said Sir George be vertew of anie civill hornings or captious direct thairupon, discharging thaim thairof and of thair offices in that pait during the space foresaid."
Supplication by Margaret Guthrie, daughter to the deceased Hercules Guthrie, merchant burgess of Edinburgh, as follows:—Her said father died, "leaving nothing behind him but ane great burdein of debacks." Her uncle, Harie Guthrie, having become her tutor at law, he, without consulting her friends, served her heir to her father and has thus brought her under the danger of his whole debts. His creditors have now obtained several decrees against the supplicant, "who is bot ane young pupil, not past ten yeeres of age," and have not only apprized her father's movables, but have raised captions against her personally, so that she is like to be put in prison, "to her utter wrack and undoing, and to the disappointing and frustrating her of the benefite of vertuous education in literature and others vertuous exercises qhilks are the onelie hopes left unto her whairupon to build her fortuns; and if she wer come to the age of twelffe yeeres whairthrow she might choose curatours, she would revoke the service foresaid and renunce all benefite she can claime to her said father as air to him." She accordingly craves their Lordships' protection. The Lords "finding it ane hard mater that pupills who ar altogiddier ignorant of thair parents debacks sall be troubled by captiouns," etc., supersede all such processes against her person only for her father's debts till she reach the age of twelve years.

Complaint by Robert Dowglas of Blaikester, as follows:—John Stewart of Coldingham, for relief of certain cautionries in which he engaged for him, disposed to him the lands of Coldingham, and he and the deceased William Dowglas of Blaikestoun, his father-in-law, donator to the escheat of the said John Stewart, have been in possession of these lands and the rents thereof for the past ten years without challenge or interruption, until last year, when the said John Stewart, unmindful of his duty and of the great trouble and distress which the complainer sustains on his account, came accompanied with a number of rebels to the lands and barnyard of Coldingham and violently carried off 30 chalders of victual. He intends also to do the same this year and so ruin the complainer unless the Lords protect him from such disorderly courses. Pursuer and defender both compearing and being heard, the Lords, "understanding the present necessitie of the said John Stewart and that he hes nothing whairwith to interteane himeiselfe and his familie this present yeere," the pursuer being in possession of his whole estate, with consent of the pursuer allow the said John Stewart to collect and lead the teinds of Stitchell this present year only, and discharge him of all medling with the teinds of Coldingham or molesting the pursuer in his peaceable possession thereof under the penalty of being accounted and dealt with as a disturber of the peace.

Supplication by James Neilson, merchant burgess of Dumfries, as follows:—Their Lordships granted a commission to the Lairds of Lag
and Amisfeild for the trial of the suppliant upon some criminal infor-

mation lodged against him by John Maxwell of Logane, Steward-depute

of Kirkendbright, viz. the alleged marking of a sheep belonging to

James Gorcsbie at the Bridgend of Dumfreis. The suppliant is quite

willing to undergo his trial before any indifferent judge, as he is not con-

scious of his guilt of any such crime, but seeing that Susanna Gordoun

spouse to the said John Maxwell, " is consennesse germane to the said

Laird of Amisfeild and so stands within degrees dependant to him, and

the said Laird hes kythyed him selfe verie partiall in this mater aganis

the said suppliant in so farre as not onelie did he subcryve ane

testifcat aganis him, but also caused his sones and servants assist the

said John Maxwell at the bar aganis him," the suppliant has just cause

to suspect the said Laird of Amisfeild, who should not sit as his judge

in this matter. He therefore craves that the Lords would appoint the

Viscount of Drumlanrig, the Lord Dalyell, James Gordoun of Buthill,

and Robert McBrair of Almigill, or any one of them, in place of the

said Laird of Amisfeild. The Lords, "considering that the cryme

whairupon the said suppliant is to be persewed is treasonable, seing he

is ane landit man, and that be the lawes of the kingdom shift in a

landit man is treasoun," appoint that the suppliant's trial for the fore-
said crime shall take place before his Majesty's Justice and his deputes

within the Tolbooth of Edinburgh, where all parties interested " may

assure thameselfs of indifferent and equall justice;" and they ordain

the suppliant to find caution in 500 merks in the Books of Adjournal
to compear there for his trial on fifteen days warning. This caution
being found the Lords discharge the former judges and commissioners
appointed for this matter from all further procedure therein.

Complaint by Thomas Lamb, messenger, as follows:—On 19th July

last, in obedience to a charge given him at the instance of Sir James

Balfoure, Lyon King of Arms, he appeared before the said Lyon and

exhibited his " booke of injunctious and his admissioun, togidder with

his blasoun, as alsua ane band whairin Sir Robert Fairlie of Braid

become cautioner for the said compleiner for faithfull discharge of his

office, and desyred ane sight of the new injunctious gevin to the

messingers to be advised theirwith." He expected to have received back

his blazon, but the Lord Lyon and his Clerk of Court refused it until the

complainier paid ten merks of entry, and gave bond for a yearly annuity

of £6, which he was never in use to pay. Charge having been given to

the said Lord Lyon and George Watson, his clerk, to compear in the

premises, with certification that if they failed it should be lawful to the

complainier "to use his office in tyme comming ad culpam vel ad vitam,

and both pursuer and defenders compearing, the said Sir James for

instructing his right to the said annuity produced a number of bonds

granted by messengers to his predecessors for payment of the said

annuity. The Lords having examined these and the book of injunctions

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produced by the Clerk, and having heard parties, find “that the annuitie foresaid has beene ane customable dewtie ordinarilie payed be messingers to the said Lyoun Herald his predecessors; lykeas the saids Lords allowes of the hail injunctions set down in the booke foresaid produced be the said Clerk except that article that ir of tuiching the saids messingers theire yeerelie compeairance upon the saxt day of May and saxt of November, quhilk the saids Lords ordains to be upon ane lawfull citationoun and not otherwyaes, and siclyke excepting the last article anent the saids messingers their delyverie to the said Lyoun of their bookes of executionus after the same ar filled, quhilk the Lords ordains to be rectified and the saids messingers onelie to be lyable to send in to the said Lyoun ane booke of the minuts of theire executionus and not the executionus thameselfes.” They accordingly ordain the pursuer to give bond to the Lyon for payment of the said annuity and observing of the injunctions in manner above prescribed, and this being done they ordain the Lyon “to delyver to the said persewer his blasoun to the effect he may thairby exercie his office and serve his Majesteis lieges thairwith.”

Supplication by the bailies and Council of Anstruther for themselves and the inhabitats as follows:—The bridge of their burgh is now “so ruinous and decayed that in tym of storme or spait there is no saulfe passage at the said bridge, and if it be not helped and repaired before this approaching winter the same will totallie decay and fall down to the great hinder of passingers travelling that way, there being no other saulfe passage within twa myles of the toun; and in respect of the great charges the supplicants have beene at in the reparatioun of their harberie, ar not able to requir their decayed bridge; and forder their losses be sae hies beene so manie and ar so notour that the best people of their toun, who boore the most part of the commoun burdenis of the same, ar now wracked and undone.” They crave an Act of Council authorising them to uplift certain duties from all horse and foot passengers by the said bridge, as well as a recommendation of the said work to the country. The Lords, finding the great necessity for the repair of the said bridge, recommend the same “to the benevolence and voluntarie contributioun of the inhabitanst to burgh and land within the shiredome of Fyfe, requesting thame and everie ane of thame to shewe suche proportioun of thair benevolence towards the reparatioun of the said bridge as they in their discretioun sall thinke fittit, and to delyver the same to anie one of the bailies of Anstruther” for the said work, this recommendation to stand in force till Whitsunday next. The Lords also authorise the said bailies of Anstruther and the collectors to be appointed by them, and for whom they will answer, for two years after the date hereof to uplift the following tolls at the said bridge or ford thereof—viz., from every foot passenger, 1d.; every horseman, 2d.; every horse load of any commodity, 4d.; and every laden cart, 8d.; the proceeds to be employed “upon the reparatioun, beitting, mending, and uphauling of the said bridge.”
Commission under the Signet to the Earl of Murray to search for Holyrood House, 10th August 1630, and apprehend James Grant in Daltailes who on 30th January, 1618, was put to the horn at the instance of the King's Advocate, and of Thomas Grant of Cardellis, as father, John Grant, apparent of Cardellis, M'Gray, as brother, and the remnant kin and friends of the deceased Patrick Grant in Lethake, for not finding caution to underlie the law before the Justice for the slaughter of the said Patrick; also Finlay M'Gruman in Fettederlet, Robert M'William M'Gruman in Belledine, James M'Gruman, his brother there, William M'William M'Gruman there, James Grant in Innerouer, John Gordoun, younger, there, John Beg Baine there, Allane Boyne M'Finlay in Innerloche, John M'William V'sane there, Robert M'William V'sane, his brother there, John Riach M'Inrour in Cleuchrie, Alaster Dow M'Inrour in Glencooniglas, William Stewart in Tomnachlagane, John M'Alaster V'sane Riach, younger, in Auchlechine, William M'James M'Gibboun in Kirkmichael, Ferquhar M'Jean Riach in Ballintrowane, John M'Lauchlane in Innerchibbet, Patrick Gordoun and M'Agie in Innerouer, John Dow M'Gibbonach in Creuchlie, John Cuming there, John Dow M'Inrour in Drumachuriche, Robert Grant in Glen, and Patrick Grant, son to Alaster Grant in Lenochorne and servant to the deceased John Grant of Carroun, who on 30th September, 1628, were put to the horn at the instance of Janet Grant as mother, Patrick and Archibald Grant as brothers, and Patrick Grant of Straliauche as uncle to the deceased Thomas Grant of Dalvey, for their not coming before the said James, Earl of Murray, lieutenant and justice in the north parts of the kingdom, to answer for the slaughter of the said Thomas Grant and of Lauchlan M'Intoche, son to the deceased Thomas M'Intoche in Roakmore. These men assisted by Alaster Grant and other broken men, armed with unlawful weapons go sorning and oppressing throughout the country. Power is given to use fire and all warlike force, and immunity promised for any accidents in this service. Signed by Geo. Cancell., Mortoun, Monteith, Hadintosh, Mar, Roxburgh, and Naper.

Commission under the Signet to the Sheriff of Forfar and his deputys, jointly and severally, as justices to hold courts and try John Hogstone in Fennell, who on "slew Andrew Johnstown there, and being taken with the bloodie hand" by David, Lord Carnegie, is presently in his custody. Command is given to the said Lord Carnegie to deliver his prisoner to the commissioners. Signed by Geo. Cancell., Mortoun, Monteith, Mar, Winton, Annandale, and Hamilton.

"Ane missive from his Majestie for agreeing with the Burrowis ant the their extraordinair taxatioun and M' John Hay for the towne of Edin- burgh, Paull Menyeis and M' Alexander Jaffra for Abirdene, compeirand personalie, maid offer of the lyke sowme for their extraordinair taxatioun as they payed in the formair whilk wes accepted be the Counsell and actis ordanit to be exped thairupoun."
Commission to the Marquis of Hamilton and others to convene with English Commissioners anent the fishing.

Holyrood House, 11th August 1630.

Supplication by Captain David Alexander anent the ship "Lewda," which he maintains to be lawful prize. His supplication is that the salt with which the said ship is laden may be sold, pending the settlement of the dispute.

Holyrood House, 11th August 1630.

Supplication by William, Earl Marischal, and others that James Keith, who is at present Tolbooth of Edinburgh, as their debtor, may not be Sederunts, November 1629-January 1630. Fol. 59, a.


“A commission to the Marquess of Hamlitown, the President, the Earle of Roxburgh, the Lord Traquair, the principall Secretair, or any of thrie of thame, with suche of the Counsell, as salbe at Courte for the tym, and to Mr. James Robertoun for the gentrie, and Mr. John Hay for the Burrowis, to convene and meete with suche personis in England as his Majestie salbe nominat anent the fisheing; and ordanis Traquair, Mr. James Robertoun and Mr. John Hay to advise amangis thameselfis toucheing the pointis of thair commissioun quhairin they crave to be warrandit. Allowis to Traquair vij merkis, to Mr. James Robertoun iij merkis.”

“Anent the supplication presented to the Lords of Secret Counsell be Captane David Alexander makand mention that where the said Lords hes continewd the discussing of the action intended and depending at his instance before the Lord Admirall and his deputis againis Simeon Hedinx for declaring of the shippe called the Lewda to be lawfull pryze, and in consideration that now is the tym of the fisheing and salt will give ane higher pryce nor heerafter sau that the omissioun of the occasion of selling of the salt wairwith the said shippe wes loadna wil be to the great prejudice of either partie who sal be found to have right thairto, thairfor humbelle beseekeand the saids Lords to give warrand to ane neutral man whom they sal sue please nominat for selling of the said salt to the best availl and the moneys thairof to be kepeed in his hand to be furthcummand to the partie sal be found to have best right thairto, as said is, as at mair lenth is conteanit in the said supplication. Qhilk being read and considerrit be the saids Lords and they being carefull that the salt be tymouslie salud and employed to the best use, and considering that David M'Kall, thessuar of the burgh of Edinburgh is the fittest person to be intrusted with that charge and employment, thairfor the Lords of Secret Counsell hes givin and grantit and be the tennour heirof gives and grants full warrand, power and commissioun to the said David M'Kall to dispone and sell the salt being or that wes within the said ship to the best availl, and the pryces to be receaved thairfor to retyne in his hand to be furthcummand to all partis interested as accordis of the law.”
1630. CHARLES I.

Edinburgh, Beattie, children of the deceased Beattie, released from burgess of Monrose, David Keith of Balhaggartie, and William Dalgarno ward nor in Little Creichie, as follows: —William, Earl Mairhell, apprehended receive protection. James Keith, in terms of a commission by their Lordships, for breaking out of his ward in the house of Dunnottor, wounding his keepers to the peril of their lives and other crimes, and has presented him to the provost and bailies of Edinburgh who have incarcerated him within their tolbooth. The supplicants, his creditors, have arrested and are to arrest him there for debts exceeding £20,000 in amount, but they are informed that the said James Keith has by some means or other purchased a “letter of protectioun or supersedere” for his whole debts, as well as his other crimes, which his Majesty had never granted had he known the real state of affairs. The said James intends to present this letter to their Lordships for ratification, or abruptly by virtue of some command contained therein to cause the great seal be appended thereto, and so obtain his freedom, contrary to the laws and Acts of Parliament of this kingdom against granting of protections in such cases. They therefore crave that their Lordships will refuse to grant such a protection if it be presented to them; that they will order Sir John Scot, Director of Chancery, and Mr. David Sibbald, Keeper of the Great Seal, not to expede any such protection, and that they will discharge the provost and bailies of Edinburgh from liberating the said James Keith by virtue of any such protection. The Lords find the prayer of the petition just and reasonable and prohibit as craved the Director of Chancery, the Lord Chancellor, as principal keeper, and Mr. David Sibbald, as keeper depute of the Great Seal, from expeding or sealing such a protection, and the provost and bailies of Edinburgh from liberating the said James Keith on any such document, as they will answer at their peril.

Sederunt — Chancellor; Treasurer; President; Lord Areskin; Holyrood House, 14th Tracquair; Sir William Alexander; Sir Archibald Achesone; August 1630. Sir Thomas Hope.

"Forsameakle as it is understand to the Lords of Privie Counsell that Order for the laitlie upon the tent day of August instant Johne Gibsone in Crawfurdtown unhappilie slew James Tennent in Croftihill and wes there- after tane with the bloodie hand, and is now in the custodie and keeping of the baillie of Carnwath; and whereas it is requisite for the more cleere discovere of the circumstances of this slaughter that the said Johne Gibson his tryell sall be before his Magesties Justice and his depute in the tolbuith of Edinburgh, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the said baillie of Carnwath to delyver the said Johne Gibsone to the Shireff of Lanerck or his deputys within twentie foure hours nixt after he be chargit thairto under the pane of rebeilloun, etc., as alsua charging the said shireff and his deputys to receave the said
Johne fra the said baillie, and to bring, present and enter him to waird within the tolbuith of Edinburgh within three dayes nixt thereafter under the pane of rebellion, etc. And sicyke charging the provest and bailleis of Edinburgh to receave the said Johne Gibsone frome the said shireff or his deputes or suche as sall have the charge of his convoy, and to committ him to waird within their tolbuith, thairin to remaine upon his awin expenses untill justice be ministrat upn him for the slaughter foersaid as accords, within one hour after the said Johne salbe presented to the saids provest and bailleis, under the pane of rebellion and putting of thame to the horse; and if the saide persons failye, the tymes respective foersaid being bypast, to denunci and to escheate etc."

"Most sacred Soverane, The instructiuons sent doun be your Majestie to your Secretar concerning the mater of the fishing being according to the directioun of your Majestie letter imparted to the Conventioun of the Estait and they having takin to thair consideratioun how mucho it doeth import your Majestie honour and the good and benefite of your whole dominions that these fishings qhilks ar now usurped be strangers be improved and followed out by your awin subjects it wes thairfoir thought fitt for the better furtherance of that great and good works that ane commissionould be grantit to some noblemen, counsellours and others to meit and treate with suche commissioners there as sall be delegate by your Majestie for that purpose, who being now upon thair addressse to your royall court we have presoomed to recommend thame to your Majestie gracious acceptance and favourable hearing, by whom your Majestie will be acquainted with the particulars that occurred in handling of that bussines at the Conventioun; to whos relation remitting the same and restit assured of your Majestie tender care of quhat may concerne the libertieis and good of this your native and ancient kingdom, we rest, etc. Halyruidhous 14 Augusti 1630.

Sederunt—Mortoun, Treasurer; Wintoun; Wigtoun; Launderdaill; Clerk of Register; Advocate; Justice Clerk; Sir John Scott; Sir James Baillie.

"Forsameekle as the Lords of Secret Counsell ar informed that there is great numbers of strong and sturdie Yrish beggers come frome Ireland towards this kngdom and they goe in troupes throw the countrie, and not contenting thame selfis with the benevolence and charitie of the people, whilk is freelie offered unto thame, they extort almous, and where they can perceave they can be maisters they committ sinderie insolences, and oft tymes persewe be way of deid sindrie of his Majestie good
subjects who are not able to withstand thame, and by their safferie and
opression the native poore of the countrie are prejudged, and the saids
Yrish beggers ar become ane heavie and unsupportable burdein to the
kingdome; thairfor the Lords of Secret Counsell orduins letters to be
direct to command and charge all the saids Yrish beggers be opin procla-
mation at all places neidfull that they and everie ane of thame depart
and pas furth of this kingdome within fyftene days after the publication
heirof at the mercat croces of the shyres where they make thair abode,
and that they in no waiws presoomse to returne backe to this kingdome
under the pane of deid; and siclyke to command, charge and inhibite all
and sindrie his Majesteis lieges and subjects that none of thame presoomse
nor take upon hand after the expyring of the saids fyftene days to
resset, supplee or interteane the saids Yrish beggers, or to furnishe thame
meit, drinke, hous nor harberie upon whatsoever cullour or pretext,
under the pane to be callit, persewed and fynned be his Majesteis
Counsell and to be otherwaiws punished in thair persons: and siclyke to
command and charge all magistrats to burgh and land and all landlords
upon whois ground and within whois bounds anie of thir Yrish beggers
remaines to take and apprehend thame, and to caus embarke and transport
thame furth of this kingdome, as they will answere upon thair obedience
at thair perrell."

"Forsameekle as the Lords of Secret Counsell ar surelie informed that
some avaricious and godlesse persons, preferring thair awin filthie gaine
to ane good conscience and to the obedience of the law, hes laitlie brought
within this kingdome ane number of false dollours and ar verie bussie to
gett the same putt out and vented amongst his Majesteis subjects, who
for the most part ar ignorant and can not discerne the fynnesse thairof,
so as numbers of his Majesteis good subjects ar mischantlie and shame-
fullie abused and coussenned be thir godlesse and avaricious persons, and
they ar made to beleeve that they receave good coyne when nothing is
givin to thame but drosse; so that if the course of thir bad dollours be
not in tyme prevented the subjects of the kingdome will sustaine
unreparable losse; and thairfor the Lords of Secret Counsell orduins
letters to be direct to command, charge and forewarne all and sindrie his
Majesteis lieges and subjects be opin proclamation at the mercat croces
of the burrowes of Edinburgh, Dundie and haill burrowes upon the coast
syde of Fyfe, and others burrowes of this kingdome, that they and everie
ane of thame have a specielll care and regarde that they be not abused
by receaving of the saids false dollours, and if anie of the saids dollours
shall be offered unto thame in change or wisselling or buying or selling or
payment of debts that they take notice of the names of these who offers
the saids false dollours unto thame and signifie the same unto the Lords
of his Majesteis Privie Counsell; and siclyke to command and charge all
his Majesteis subjects who hes or sall happiest to have anie of thir false
dollours in thair hands that they in no waiws presoomse nor take upon
hand to vent or put out the same among his Majesties subjects but that Act July 1639.
destroyed under all highest pane that by the lawes of this kingdom can
be inflicted upon persons offending in so high a case; and siolyke to
command and charge all magistrates to burgh and land to make diligent
inquiry and to informe thameselffes by all the wayes and meanses they
can by whome and at what tymes thir false dollours hes beene brought
in, and of what quantitie and number and where and to whome they
have beene disperst and givin out, and to make report thairof to the
saids Lords with convenient diligence, to the intent forder order and
directioun may be givin heeranent as accordes, as the saids magistrates
will answere upon their obedience at their highest perrell.

"Forsameekle as chosse being made of Sir William Stewart of
Garnetullie to be shirff principal of the shire dume of Perth for this
present yeere, and he being writtin for to have comepeir before his
Majesties Counsell upon the aucth of September instant to have accepte
the commissioun upon him and to have givin his oath for administratioun
thairof he hes excused his not comepeir by some infirmitie of his persoun,
and thairfor the Lords of Secret Counsell gives and grants
commission and warrand be thir presents to George, Vicount of Dup-
line, Lord high Chancellor of this kingdom, to call the said Sir William
before him and to take his oath for faithfull administratioun of the said
office, and to report to his Majesties Counsell ane formal note in writ
under his hand of the said Sir William his acceptioun of the said office."

Commission in similar terms to John, Earl of Wigtoun, for taking
the oath of Colquhoune of Lus, who has been appointed as
Sheriff Principal of Dumbartane for the present year and excused his
absence on account of some infirmitie of body.

"Forsameekle as some informaciones hes beene made to the Lords of
Secret Counsell that Mr. George Sempill, indweller in Paisley, hes beene
ane bissie practizer and consuler in points of witchcraft, whirlk hes givin
occasion of a foule and heavie scandal agains him and agains the holie
ministrie thairof he wex sometyme a preacher, and thairfor for cleering
of his innocencie of that foule cryme necessity is that he be examined
in presence of his Majestis Counsell upon suche points concerning his
said practises in the mater foresaid as sall be givin in agains him;
thairfor the saids Lords ordeins letters to be direct charging the said
Mr. George to compeir personallie before the saids Lords upon the
day of to answer to the premises and to be examined thairupon
as the saids Lords sall direct and appoint, under the pane of rebelliuon,
etc. with certification, etc."

"Forsameekle as one Richard Home in Edinburgh hes of lait most
falseli counterfoote the subscription of Adam Lochtouns, Lord High
Chancellor of Ireland, and of Richard, Erle of Corke, to a passport made
be the said Richard Home in favours of one Patrik Comwores, Yrishman,
and he gave counsel and advice for appending of ane false seal to the said testisfact and pasport, quhilk being a crime of verie bad exemple and meriting due punishment to the terror of others to committ the lyke, theairfoir the Lords of Secret Counsell ordains and commands the Lord Cheefe Justice of this kingdome and his depute to appoint and set a Justice Court and to call the said Richard Home, who is now prisoner within the tolbuith of Edinburgh for the same cause, before thame and to put to him the knowledge of ane assise, and he being found guiltie of the said crime to pronounce doome againis him, ordaining him to be scourged threw the town of Edinburgh, burnt in the hand and banished this kingdome, whereasent thir presents sall be unto his Majestis Justice and his depute ane warrand."

"Forsamekekle as Alexander Hay in Leith, having importunned his Majestie with diverse his petitions complaining of wrongs done to him by letters directed from his Majestie to the Counsell and Sessioun here, and his Majestie considering how muche it did concerne him in honour and justice if anie suche caus had beene givin as wes falsely pretendit, and how farre his Majestis Counsell and Sessioun wer interest in these reports if they had found anie suche mater to be of truthe, his Majestie was theairfoir pleased to give order to suche of his Counsell as wer with his Majestie for the tyme to call the said Alexander before them and to peruse the extracts of the saids letters by whome it was found and reported to his Majestie that the said Alexander his complaint proceedit frome a mere calumnie without anie just caus ; and theairfoir his Majestie, considering how farre suche seditious persons deserve to be punished, his Majestie was pleased to give some directiouns thareaunet, quaforth the said Alexander getting notice he absented himselfe and theairby added contempit of his Majestis royall auctoritie to his former faults. Theairfoir the Lords of Secret Counsell according to his Majestis directioun ordains letters to be direct charging the said Alexander to compair personalie before the saids Lords upoun the second day of November nixto come to answere to the premises and to underly suche order as sall be takin thareaunet, under the pane of rebellion, etc., with cetificatioun, etc.; and in the meantyme to command, charge and inhibite the said Alexander that he on no wayes presoome nor take upon hand to repaire to Court upon whatsoever cullour or pretext under the highest pane and punishment that by course of law can be inflicted upon him for his contempt and disobedience of the said charge."

"Forsamekekle as in the moneth of December under silence of Appointment of a commission to collect the contributions for the sufferers by the slipping of the moss on the lands of Powes and Powymynle pertaining to the lands of David Rollock of Powes and Robert Johnestoun of Powymynle, and upon
the lands pertaining to Patrik Bruce of Corsebruik and Thomas Bruce of Wodsayde, that the lyke wes never heard of in anie kingdome or age in so farre as ane great mosse of the thicknesse and largenesse of a speir hes beene drivin by the force and violence of wind and water fra the firme ground and bounds where fra all beginning it unmoveable stood to the lands of Powes and Powmylne and others lands of the persons foresaid distant thairfra be the space of and hes overflowed and covered the saids whole lands, and hes tane ane solide, firme and sattled stand thairon, hes overturned the whole houses for the most part of the saids lands sua that twentie familieis wer constrained for lyfe and death and with the extreme hazard of thair lyfes to flee and leave thair houses and all within the same to the violence of the mosse. And now the Fol. 253, b. saids lands, whilks wer good arable ground bearing wheate, bare and all other grayne, ar turned into a blacke mosse without all possibilitie or hope of recoverie, and the gentlemen aowneris of the lands who and thair predecessors wer men of good account, able to serve the King and country and charitable disposed to the releafe of all distressed people, ar upon a suddane turned beggers, having nothing but the miserable face of a black mosse to looke unto in place of thair pleasant and fertile ground. And whereas this fearefull visitation hes procedit immediatlie frome the hand of God (whois divine chastisements must with ane Christiane resolutiou be embraced and susteanned) it becometh all good Christians who ar feeling members of this bodie to resent the distresses and miseries of thir poore gentlemen and by thair chearfull benevolence to contribute a part of thair meanes, whairwith it hes pleased God to blesse thame, toward thair releefe. For the whilk purpose the Lords of Secret Counsell hes recommendit and be the tennour heirof recommends the saids distrest gentlemen to the favourable, charitable, and christiane consideration of the whole Estates both spirituall and temporall within this kingdome, and to the whole persons of whatsoever ranks, qualitie or degree within the same, requeistig and desiring thame and everie ane of thame to extend suche proportion of thair liberalitie and charitie to the saids gentlemen as the importance and necessitie of the caus requires; and the saids Lords hes committed and be the tennour heirof committs the collectioune of this contributioin and benevolence of the people to the persons particularlie underwrittin, Mr Robert Baron, minister at Aberdein, Mr Alexander Jaffrey, baillie, Thomas Nicolson, baillie, and Alexander Forbes, for the shireidome of Aberdein, and Duncan Forbes and Mr James Campbell of Moynes for the shireidome of Innersnes, and Patrik Smith of the Holl and Smith, his brother, for the shireidome of Orkney and Zetland, and Archibald Campbell, sonne to Alexander Campbell of Ardchatan, and Johne Stirline, sonne to William Stirline of Achyle, for the shireidome of Argyle and Tarbet, who ar all men of approvin credite, honestie and reputatioun, and will deale faithfullie and uprightlie in this businesse and conceale nothing that will
be givin be the people to this so good and necessar a worke; givand, grantand and committand unto thame and everie ane of thame full power, warrand and commissioun to deale and travell with the whole archbishops and bishops, noblemen, barouns and gentlemen, synods, presbytereis and sessionouns of kirks, burrowes, touns, villages, and with all others his Majestis subjects als weill to burgh as land anent thair benevolence and charitable christiane contributioun to be givin out of thair good discretioun for the helpe and supplie of the saids gentlemen. Qhilks commissioners sall have ane booke delyvered unto thame be the Clerk of his Majestis Counsell, whairof everie leaf sall be marked be the said Clerk, within the whilk booke the saids Lords requiests all and everie persoun who sall contribute to this worke to insert or caus be insert the sowmes of money that they sall contribute and advance in this ear[and]; and if anie persoun or persons be sleuth or negligence sall refuse or forgett to insert their contributioun, ordains and commands the saids commissioners to insert the saids contributiouns thameyselfes, and that they report thair diligence in the premises with thair booke conteaning the names of the whole persons contributers and the sowmes of money contributed and collected be thame to the saids Lords upon the first Counsell day of Februarie nixtocom, to the intent the saids Lords may know what sowmes of money ar collected and how the same sall be imployed; and the saids commissioners sall give thair great and soleme oath at the reporting of thair diligence and booke foresaid that they have not omitted nor left out of the saids bookes none of the persons names that contributed nor the sowmes nor na part thairof that sall be advanced in this earand; requeisting alsua the saids archbishops and bishops to give direction to the ministers within thair dioceses that they admonishe and stire up thair flockes and parochiners to putt to thair helping hand in this so important and necessar a caus.”

“The whilk day in presence of the Lords of Secret Counsell compeired personallie M't. William Adamesone of Graycrooke and accepted upon him the office of shireship for the shireford of Edinburgh. As alsua compeired personallie Johnie Auchinmowtie of Gosford and accepted upon him the shirefordship of the shireford of Hadintoun. And siclyke compeired Sir Johnie Home of Blacader and accepted upon him the office of shirefordship of the shireford of Berwick. And siclyke compeired Drummond of Rickarton, and accepted upon him the office of shirefordship of the shireford of Linlithgow. As alsua compeired Ker, appearand of Yair, and accepted upon him the office of shirefordship of the shireford of Selkirk. And siclyke compeired Sir Johnie Charters of Amisfeild and accepted upon him the office of shirefordship of the shireford of Dumfreis. And siclyke compeired Fothringhame of Powrie and accepted upon him the office of shirefordship of the shireford of Forfar. And siclyke compeired Sir James Maxwell of Calderwod and accepted upon him the office of shirefordship of the shireford of Lanerk.
And siclyke compeir Sir George Johnestoun of that ilk, knight, baronnet, and accepted upon him the office of shireship of the shiredome of Aberdein. And all the saids persounis gave their oath for faithfull administratioun of the saids offices."

"The Lords of Secrete Counsell continewe the advisement of the processe anent the salt ship till the secund of November nixt."

"The whilk day M's Nathaniel Uward produced and exhibite to the Lords of Secreet Counsell the missive letter underwrittin signed be the King's Majestie and directed unto the saids Lords tuicheing the expediting of a patent to M's James Galloway, Maister of Requestis in the kingdome of Scotland, and to the said M's Nathaniel Uward, their aires, assigneyes, partners and deputis of the sole and full power, libertie and licence of making of salt after a new found out mysterie and inventioun not heretofore known within this kingdome. As alaus the said M's Nathaniel produced and exhibite before the saids Lords the covenant and contract underwrittin past betuixt his sacred Majestie, on the ane part, and the saids M's James Galloway and M's Nathaniel Uward, on the other part, tuicheing the making of the said salt. Quibilk covenant with the patent and missive foresaid being read and considerit be the saids Lords and they rypelie advised thairwith, the Lords of Secrete Counsell continewe the expediting of the said patent till the nixt Counsell day, and in the meaney tymne ordinis the saied M's Nathaniel to proced and be going on for the making of his triell; and ordinis the missive and contract to be registrat in the booke of Secreet Counsell for his warrand, and ordinis ane copie of the patent to be delievered to George and Alexander Bruces and to M's Alexander Hamilton who wer personallie present and who promtit to communicat the same to the rest of the salt maisters and to report thair opiounis thairanent the nixt Counsell day; of the whilk missive and contract the tennour follows:—CHARLES R. Right trustie and welbelovit counsellour, right trustie and welbelovit cousines and counsellours, right trustie and trustie and welbelovit counsellours, we greet yow weill. There hes beene opene unto us ane mysterie for improving of salt in quantitie, goodnesse and use, whairby the subject in generall and the salt maisters in particular with lesse charge than before saill increasae thair benefite and we lykeways have a particular and beneficial interest, as it is offered to be made appeare there by a faire triell. We, thairfor, to secure the undertakers in some sort before forder opening of the said mysterie have signed unto thame ane grant of the sole exercising of the said mysterie and entered in forder covenants to be performed after the returne of the said triell made. These ar thairfor to will and require yow furthwith to exped the said grant and record the saids covenants; bot with all to appoint some commissoners best able to judge of suche businesses to assist and see the said triell performed, and accordinglie to informe us of the successe thairof. Whairin
not doubting of your care and diligence we bid you fairweill. Givin at
our Court at Okyne this 29 of July 1630.

"CHARLES R.—At the Court at Okyne the twentie nyne day of July
the jmv & threttie yeeres. It is appointed, agreed and finalie
contracted betuix the most excellent, high and mightie prince, Charles,
be the grace of God, King of Great Britane, France and Ireland, defender
of the faith, etc., with advice and consent of his Majestis Privie Counsell
of the kingdome of Scotland, on the ane part, and his trustie and
weilbelovit counsellour, James Galloway, sole Maister of Requeists in his
Majestis kingdome of Scotland, and Nathaniel Udward of Leith in the
realme of Scotland, Esquire, on the other part, that is to say—Forsomuche as his Majestie considering how necessarie and
profitable a thing it is to have salt made in all his dominious in suche
plentie and perfyte goodnes serviceable for all uses as in a short tyme
all his kingdomes may be furnished with the same at home whiche in
tyme past has beene brought from forrane parts; and seing the saids
undertakers have takin upon thame to make and sett up ane new
fashioyn of pannes and fornaces and other necessarie things for making
of salt not formerlie scene or used within his Majestis dominious in
suche sort that whereas before ane boll of salt wes made at the usual
salt pannes within his Hienes kingdomes, they doe now undertake by
this new invention to make one halfe more for the benefite and profite of
the owners of the saids salt pannes and what quantitie they sell make over
and above that to come to his Majestie and thameselffe yeerelie as a
dewtey payable to his Majestie and for their owne paynes, charges and
inventioun; and this quantitie aforesaid to be made be thame with the
same proporcioun of fewell as formerlie they did make bot one boll, and
that the salt sell be of a more perfyte goodnes and serviceable for all
uses than the salt usuallie made heeretofore within his Majestis
dominious. And lykkewyse his Majestie out of his princeilie consider-
atioun foreseeing how painefull and difficult the first erecting and setting
up of suche workes will be to the saids undertakers and what great
charges they have beene and ar lyke to be putt to in commenting [sic]
and accomplishing so great a worke, and with all out of his princeilie
and tender regarde to the publict good of his kingdome desyrous to have
the saids workes furthwith begun and sett agoing, thairfor his Majestie
for the ease, helpe and encouragement of his trustie and weilbelovit
counsellour, James Galloway, and Nathaniel Udward, thair aires, executours,
assigneyes, partners, factors and servants, with advice and consent afores-
said, out of his princeilie goodnes and for other weightie considerations
moving him thairto, doeth bind and obleis himselfe, lykeas be thir
presents under his Majestis hand and seale his Hienes doeth promise for

1 On the margin here is the following note—
"This contract renewed by a posterior contract
bearing dait at Whitehall the 22 day of Februar
1630 yeeres stylo Anglico, and past and
allowed in Counsell upon the 20 day of Apryle
1631; so as the contract heere registrat is void
and of no force."
himselfe and his successours in verbo principis to perfome and fulfill to the aforesaid undertakers and their foresaids these conditionis following, viz. That the saids undertakers and their foresaids sall in tymens comming injoy the whole benefite and priviledge conteanned in their patent for and during the yeers that in injoyed in als ample form and maner as if every condition and article conteanned in the said patent wer heere particularie exprest to the whiche relation is to be had. And if anie thing sall be thought upon heerafter whiche may further and advance the said inventioun and the benefite thairof his Majestie doeth by these presentes promise in verbo principis by his grants, warrants and proclamations fra tym to tym to authorize and strengthen the same. And lykewayes his Majestie sall command all his subjects whatsoever to use and exerce the said inventioun and no other during the space of fiftie one yeeres nixt and immediatlie following the dait heirof under the penalteis and paines as by his Majestis warrants and proclamations sall be enacted and declared. And seing the foresaid tryell of this new inventioun of making of salt is first of all to be tryed in his Majestis said kingdome of Scotland, and forsomuch as for the present the foresaid undertakers have their grant onelie for making of salt within that kingdome, notwithstanding his Hienes doeth promise by these presentes in verbo principis that they and their foresaids sall upon a tryell made, as is before mentioned, have als ample a grant and patent for using and exercing the said inventioun of making of salt in the kingdomes of England and Ireland as they have granitit to thame in Scotland, togidder with all suche conditionis ather thought upon or mentiouned alreadie in their patent or whiche may be thought upon and thereafter found necessarie for the good proceeding of the saids workes and profite to arise to his Majestie, owners or undertakers aforesaid, furth of the same. Thairfor his Hienes trustie and weilbelovit counsellour, James Gallousy, and Nathaniel Udward binds and oblesises thame and their foresaids at the sight of his Majestis Counsell of the said kingdome of Scotland sufficientlie to secure for his Majestis use ather in specie or pryce the just moytie of all the excrescence of salt that sall be made at anie salte panne within the said kingdome be vertew of this new inventioun during the tymes foresaid (the owners of the saids panes and their foresaids full proportioon of salt as is before mentiouned being first deduced). And it is heirby expresslie provyded for the reliefe and discharge of the saids undertakers that if anie maisters of the saids salt panes sall chance to breake or refuse to pay to the saids undertakers anie suche proportioon as sall happin to be dew to his Majestie in tymes comming as is aforesaid furth of the saids panes that than and in that caise the saids undertakers and their foresaids sall be discharged of the said rent to his Majestie pro tanto by giving in the bands of the parteis obliged to his Majestis Exchecker whairby his Hienes owne officiars at his Majestis proper coasts and charges may recover the debt. And
lastlie, his Majestie doeth in verbo principis, for himselfe and his successours, promise to alter and renew these presents to the saide undertakers and their foresaid in the most sure and ample form as sall be found requisite for their further securitie concerning his Majestie part and his performance of the premises, keeping aways the substance heirof, and to ratifie and confirme this present contract and all clauses, articles and conditionis therein conteanneed in his Hienes high Court of Parliament nixt to be haldin within the said kynedome, for whiche thir presents sall be sufficient warrand to the Lords of Articles of the said Parliament to that effect. And for the mair securitie his Majestie and the saide undertakers are content and consents that thir presents be registrat in the bookes of Counsell of the said kynedome to have the strentch of ane act and decreit of the Lords thairof with all neidfull executioun to follow thairupoun in forme as effirs, and to that effect constitutes and ilk ane of thame, conjunctlie and severallie, thair lawfull procuratours, promittendo de rato. In witnes whairof his Majestie heis sealed and superscryved and the saide undertakers have subscryved thir presents with thair hands, day, yeere and place foresaid, before thir witnesses, William Hay, brother to James Hay of Mayne, George Abirrombie and Duncan Wallace, wrytter foresaid. "Sic subscribitur, James Gallouay, Na. Uduart, William Hay, witnes; G. Abirrombye, witnes; Duncan Wallace, witnes." "The whilk day in presence of the Lords of Secret Counsell com-
peire per[sonallie] Sir Thomas Hope of Craighall, knight baronnet, Advocaat to our soverane Lord, and produced and exhibit before the saide Lords ane procuratorie of resignatioun made and subscryved be John, Erle of Annerdale, heretable Stewart of the Stewartrie of Annerdale, bearing date the second day of September instant, by the quhilk be made and constitute James Douglas, maissier, his procurator, for resigning in his Majestie hands the said office of Stewartrie of Annerdale, with the haiil feis, dewteis, casualites, priviledges and pertinents thairof, to remane and abide with our soverane Lord and his successours in all tyme comming, and to the intent his Majestie and his successours may use and dispone thairupon at thair pleasure. Upon the whilk resignati-
tioun made be the said James Douglas as procurator foresaid, the said Sir Thomas Hope, his Majestis Advocate, being personallie present, asked instruments."

[Sederunt as recorded above.]
instance of Robert Stirk and William Walwod, messengers, for failing to enter into ward in the said Tolbooth till their Lordships should deal with him for twice deforning them. He has now on this account been in ward for "quhilk is ane punishment heavier nor anie fault committed be him againes the saids messengers can merite," and having nothing to sustain himself, and "lyke to perishe for plaine want," he craves his liberty. The pursuer compearing by Mr. Alexander Foullar, Fol. 105, b. his procurator, but the two messengers not compearing, the Lords, having taken caution of the pursuer in the Books of Privy Council for 300 merks that he will appear on 2nd November next and answer to the two charges of deforcement, and that he will warn both defenders of the said diet, ordain the provost and bailies of Edinburgh to liberate him within 24 hours, in so far as he is imprisoned on the above charge.

Complaint by Issobell Mould, Lady Parkley, and James Hamilton of Parkley, her husband, as follows:—They are rightfully possessed of all the lands of the barony of Towche, and for three years have been in undisturbed occupation thereof till lately Dame Barbara Cranston, Lady Towche, taking advantage of the absence of the said Laird of Parkley in the service of the King of Sweden, came with some others by way of hamesucken to the place of Towche, where the complainer's whole family was for the time, "entered within the hous, perfore tooke the keyes of the place from their nurce, brake up the greatest part of the doores of the hous, togidder with the said Ladie Parkleyes coffers and cabinets, intrometted with the goods and geir being within the same, patt the greatest part thairof furth of the place and exposed the same to theves, and without forme or order of law uplifted and away tooke the whole teind cornes, fruites, and what ells was upon the lands and within the yairds foresaidis. Informatioun whairof being made to the said Ladie Parkley, she being absent frome the familie for the tyme, she made her adresse with diligence hame to the place of Towche, being thair dwelling hous; but how soone she come there the said Ladie Towche caused putt on great strong lockes upon the yetts and doores of the place and hes keppe and detsanne the compleuner and her familie within the said place as prisoners be the space of suffering nane of their freinds nor acquaintance to come in to thame, and stopping and hinderin their servantis to goe furth to doe anie of their necessarie affairs, verie presumptuouslie discharging and inhibiting all the inhabitantes within the said baronie of Towche and parts nixt adjacent to sell, give or len to the compleuner or anie of her familie anie necessaries quhatsumeuer or to intercommoun or beare companie with thame, under great painees, most proudlie usurping heirby his Majesteis princeis power and auctoritie upon the saids compleuners as if they wer rebells and traitours. And when as one James Wilsone did quysters convoy unto the compleuner ane boll of meale under night in part of payment of some diewteis whilks he rests awand to the compleuner the said Ladie Towche for this onelie
caus spoyled and herryed the honest man of his goods and geir and threatened to putt him in the stockes, and she hes solemnlie avowed ather to force the compleanners to leave the hous or to caus thame dee thairin for fault: Lykeas in this meane tymc twa of the compleanners young infants having fallen sicke they wer redacted almost to the point of death for want of necessars. And upoun the aucht day of October last the said Ladie Towche rancountering with Margaret Tannoich, servitrice to the said compleaner, who wes bringing in some necessars for her and her familie, she for that onelie caus cruelle punsed the poore man [sic] with her hands and feit, gave her manie bauch and blae straikes on diverse parts of her bodie, speciallie on the face, so that the blood gushed out at her mouth in great quantitie, and had not failed to have slaine her if some of her awin servants had not stayed her; and that same day she caused tirre the lofting and flooring abone the compleanners lardner and hes thairby so spoyled her provisioun and victuals as the same is become unusefull to the compleaner.” Charge having been given to the said Lady Towche to compear, and Gabriel Blair in the Cannogait, and James Wilson in Mynleburne having been cited as witnesses, and both Lady Parkley, as pursuer, and Lady Towche, as defender, being present, the Lords, after hearing certain witnesses who failed to substantiate the charge, assoilzie Lady Towche, but declare that this decree shall not prejudice Lady Parkley in her lawful present possession of the place of Towche. The two witnesses above named, who failed to compear, were ordered to be denounced.

Complaint by Sir William Sinclare of Pentland, knight, and Elizabeth Sinclare, widow of Oliver Sinclare of Quhytkirk, as follows:—The said Elizabeth dispomed her liferent right of the lands of Quhitykirk to the said Sir William, having been in possession thereof since her said husband’s death. Thereafter she retired to Edinburgh “to have lived ane quyet lyfe,” and appointed James Skougall, brother to Mr. John Skougall of Humbie, her procurator, to go with the said Sir William to the manor place of Quhitykirk and give him possession thereof. When Peter Sinclare, brother to the said deceased Oliver, and Ewfaame McCalzeane, his mother, got information of this transaction, they on with others their accomplices, armed with swords, staves and other weapons, “came under cloud and silence of night to the place of Quhitykirk, the whole yets thairof being closed and the keyes of the same being delvered to the said James Skougall,” violently broke up the said gates and doors, “rave aff the old lockes and putt on new lockes and setteld thameselfis in the saids houses as if they had beene the onelie owners and proprietars thairof, brake up the yaird doores, cutt doun the growing trees, pulled aff the fruits thairof, and verie pitifullie hes spoyled the planting of the saids yairds, and hes pryzed up sindrie cuzie stones of the saids houses,” apparently intending to destroy and demolish the same and make them unprofitable to the com-

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plainer. Moreover, when on 7th August last the said James Skougall demanded possession in name of the said Sir William, they absolutely refused to give it in any case. Charge having been given to the said Peter Sinclare and Ewafme M'Calzeane, and both pursuer and defenders compearing, Sir William for instructing his right produced a charter by the said Oliver Sinclare of Quhytkirk to the said Elizabeth Sinclare then his future spouse, in liferent, of an annuity of 1400 merks upliftable from the lands and manor place of Quhytkirk with the pertinentes thereof, dated 22d February 1622; and an Instrument of Sasine thereupon under the subscription of Gilbert Gray, notary, dated 23d February, bearing that sasine was givin by Robert M'Math in Quytkirk, as bailie of Oliver Sinclare to John Pringill, servitor to John Sinclare of Hirdmistoun, as attorney of the said Elizabeth Sinclare within the “close of Quhytkirk.” He also produced a Procuratory signed by the said Elizabeth Sinclare directing the said James Skougall to go to the said manor place of Quhytkirk and give the keys thereof to the pursuer, the said procuratory being dated 7th August last. The Lords, having examined these documents and heard several witnesses, find that the defenders “violentlie dang aff the lockes of the houses lyballit and intrudit thesmeselfes in the possesioun thairoff,” and ordain them to place the said Sir William Sinclare in possession.

Complaint by Dame Margaret Cockeburne, widow of Alexander Home of Rentoun, and Sir William Grahame of Brako, knight, now her spouse, for his interest, as follows:—She was infet in liferent in the lands of Horsley with the pertinentes and teinds thereof by her late husband, and has for several years since his death enjoyed the quiet possession of the same, till lately John Home, now of Renton, son of the said Alexander, has intermeddled with the said teinds by way of spulzie, and debars the complainer from her right and possession. He has done so for the past two years, and intends to do the same this year. She has an action on the matter presently before the Lords of Council and Session, and craves that order be given for the sequestration of the teinds meanwhile. Charge having been given to the said John Home of Renton, who compearing, and the pursuers compearing by Mr. William Cranstoun, their servitor, and parties having been heard, the Lords grant a commission to Trotter, called Laird Trotter, to collect and lead the said teinds for the present year, and stack them in some neutral barnyard until it be legally determined who has right to them.

Complaint by Edward Kellie, one of the prebendaries of his Majesty’s Chapel, as follows:—He has been charged at the instance of Andrew Sinclare and Alexander Hay, also prebendaries of the said Chapel, to pay to them respectively 364 merks and 32 pence, and 314 merks and 32 pence, being as they allege, the amounts due to them from a sum of 8000 merks delivered to the complainer by Adam, Bishop of Dunblane, Dean of the Chapel Royal, for distribution among the said prebendaries,
and they intend to put him to the horn for disobedience. He admits
having received the said sum for distribution, but states that the order to
be followed therein was prescribed to him by the said Bishop in a
letter, viz.—That each prebendary's rent was to be considered so that all
should receive equal shares. It was found that the share of each, deducting
what was given for their gowns, amounted to £240, from which there fell to be deducted the free rent of their benefices. The
rent received by Andrew Sinclair is £133 6s. 8d., and this being deducted
leaves only £106 13s. 4d. due to him. The rent received by Alexander
Hay for his benefice is £53 6s. 8d., which being deducted leaves due to
him only £186 13s. 4d. However, he has consigned the sums claimed in
their Lordships' hands to be delivered to his pursuers if it be found
that they are entitled to them, and craves suspension of the horning.

Parties appearing and having been heard, the Lords grant suspension of
the horning, and ordain James Prymrois, Clerk of the Council, to give up
the consigned money to the defenders to be used by them as they please
and to take their acquittance for the same.

Supplication by Sir John Scot of Newburgh, as follows:—He has been
charged to appear this day before their Lordships to answer to a com-
plaint by Andrew Scot, chirurgeon, for violently intruding himself into
the house of Newburgh and removing the said Andrew therefrom and
“shoaring and minassing him of his lyfe.” He is most willing to com-
pear, but cannot with safety, on account of some hornings under which
he lies. He therefore craves a continuation of the case till next Council
day, and their Lordships' protection to enable him to appear. The
Lords, considering this the most effectual way to give the said Andrew
Scot satisfaction, continue the case to 2d November next and grant the
suppliant protection as craved till 4th November, provided he find
care for his appearance on that day, also for the indemnity of the
said Andrew Scot in the meantime, and that he will remove himself and
his family from the said house of Newburgh and put the said Andrew
in possession thereof if it shall be found he ought so to do, under a
penalty of 2000 merks if he fail in any point thereof.

Complaint by George, Viscount of Dupline, Lord High Chancellor of
this kingdom, and collector-general of the Taxation granted to his
Majesty in October 1625, as follows:—Martin Newall, deceased, the
late Sheriff Clerk of Dumfreis and Steward Clerk of Kirkcudbright, having
charge of the receiving of the inventories of all lent money within the
bounds of his office for the whole eight terms of the said taxation, and
having received the said inventories, he was liable for the pay-
ment of the annual rents due for the same. These inventories
and moneys were in his hands at the time of his death and they have
been intromitted with since by Euphame Kincaid, his widow, and John
Robert, Margaret and Janet Newall, his children. The complainer has
made frequent applications for delivery of the said inventories and pay-
ment of the moneys due to his Majesty, but without effect. Charge Deo-recta, January 1630.
having been given to the said widow and children, and they failing to compear, and the pursuer compearing by Adam Keltie, his servitor, the Lords ordain letters of charge to be issued against the defenders for delivery as craved within ten days to the said Collector and his deputees, and failing obedience within other ten days they are to be denounced as rebels.

A proposition having been made to his Majesty on behalf of John Boswell of Craigsaid, "proportioning that the river of Forth, being the cheefest place for trade within this kinglydome, is much spoyled by throwing thairin of ballast of shippes trading heere, whairby the same at manie parts is so shallow that if tymelie remedie be not used it will in tympe bring great annoyance to that part of the kinglydome, and in speciall to suche of the nobilitie and gentrie having commoditeis for sale upon the coast and sydes thairof and to suche others who trade thairin both natives and forrainers; and seing in all parts of Europ and others civill parts where rivers ar whairin trade is used, the ballast of shippes is takin away and employed to some use or cast upon the nixt adjacent shoare by some persouns speciallie appointed for that purpose who have some certane allowance for that effect, and seing it is most necessarie that the lyke good order sould be observed within the said river of Forth, and that the same may be done for keeping thairof cleane without exacting frome anie persouns trading there forder than they thameselfies sall know to be fitt and necessarie and what the Lords of Privie Counsell sall thinkes met for the generall good of trade within the said river"; and charge having been given to Andrew Wardlaw of Torrie, George Bruce of Carnock, Sir John Blacader of Tulliallan, Alexander Schaw of Sawchie, Alexander Bruce of Alva, Alexander, Earl of Linlithgow, Mr. Alexander Hamilton of Kinglassie, John, Lord Wemes, and Sir John Hamilton of Grange, to compear this day, under the pain of rebellion, to see order taken in this matter, there compeared the said John Boswell, the Laird of Sawchie, George and Alexander Bruce, Mr. Alexander Hamilton and Alexander, Earl of Linlithgow, his Majesty's Admiral. The last-named claimed "that the mater foresaid anent the spoyling of the Firth by throwing of ballast therein and the preserryng of orders for remeid thairof belongs to him as Admirall," and the Lords, after hearing both parties, ordain the reasons given in by the said John Boswell to be shown to the defenders and to be answered by them next Council day. They also order the report of the commissioners who took the former trial and survey concerning the spoiling of the said water to be produced that day.

Complaint by Thomas Scheill in Sandersdaes, Margaret Bartilmow, his wife, John, Thomas, and Alexander Scheill, his sons, Elizabeth and Sybilla Scheill, his daughters, William Thomesone, his servant, John Dickson in Maynshill, John Bartilmow, younger, in Samwelstoun,
William and Alexander Bartilmow, his brothers, Henry Furde in Colstonmyllne, John Wicht in Ormestoun, George Broun, second son to the Laird of Colstoun, Patrick Broun, bailie of Hadintoun, Patrick and George Broun, his sons, Archibald Broun in Huxstoun, Mr. Robert Broun in Hadintoun, David Sinclare, servitor to the Laird of Hirdintoun, Patrick Sinclare, his brother, Alexander Home, son to George Home of Bassindene, and John Thumesone, messenger, as follows:—They have been charged at the instance of William Wilson in Easter Monkrig and others for exacting cautions beyond the quality of the complainers.

They have been charged at the instance of William Wilson in Easter Monkrig, William and James Wilson, his sons, John Dickson, his son-in-law, William, James, and John Dickson, his sons, Andrew Marke, son-in-law to the said John, William Sinclare, also his son-in-law, William and James Sinclare, his sons, John Middlemist, also son-in-law to the said John Dickson, Marion and John Lawder, servitors to the said William Wilson, elder, James Lauder, servitor to the said John Dickson, and James Lauder in Nynland, to find caution acted in the books of Privy Council for their indemnity, viz.—The said Alexander Home in 1000 merks, Patrick, Mr. Robert and George Broun, each in £500, and each of the others in 500 merks, under pain of horning. Now the said persons have never given and cannot give their oaths that they dread bodily harm at the hands of the complainers, who have never offended them by word or deed; and, further, the cautions demanded are far beyond what can be legally taken from persons of their rank and quality, “who all of thame ar of no better condition nor simple yeomen and labourers of the ground,” the caution for whom is fixed at £40. Still, they have found caution for obedience if so it should be decerned, and meanwhile they crave suspension. Parties being charged and pursuers comparing by and defenders by the Lords, after hearing, grant suspension as craved, and modify the caution to be found by the complainers, in the case of Alexander Home to 500 merks, in that of Patrick, Mr. Robert and George Broun to 200 merks each, and in that of the remaining persons to 100 merks each.

Complaint by Dame Isobel Seaton, Countess of Perth, and Daniel Wallace, minister at Morhame, for his interest, as follows:—The said Countess years since obtained a tuck of the teinds of the Kirk of Morhame from the person thereof, one condition of which was that she would secure the minister thereof in the peaceable possession of the vicarage teinds as part payment of his stipend, in terms of which tuck she has ever since intromitted with the parsonage teinds till, two years ago, for the convenience of her tenants, she agreed to accept from them a money payment instead, and they permitted the said minister to uplift his vicarage teinds. They are willing to do the like this year, but Sir Robert Hepburn of Barfute, and Mr. Patrick Hepburne of Smetoun, heritors of the lands of Morhame, have not only barred the petitioners from uplifting their teinds, but also discharged the tenants from paying the silver duty to the said Countess. Further, when Sir Robert learned...
from lifting the
parsonage and
vicaige teinds
respectively of
the said kirk
of Morham.

that his tennents had permitted the minister to marke his teind lambes with his awne marke, he for this onelie caus threatened to remove thame, and discharged to give him anie teind, affirming that he could fast and gett no teind of him this yeere." The said minister bore with this wrong, but at "hay tyme" having in the course of teinding his parishioners' hay come to Sir Robert's tenants, they refused to allow him to do so on account of their master's said prohibition. The minister thereupon was forced to have recourse to the said Countess, who sent George Quhytheid and Bartilmew Grainalie, her servants, with a notary on 13th August last to assist the minister in his lawful teinding, but while they were teinding some hay on Sir Robert's lands of Northrig and Standingstane, he, with Sir Michael Prestoun and others, his tenants, armed with lances and swords, came to them "and threatened thame if they teinded anie there." The Countess's servants, having modestly reminded him of the late proclamation discharging all persons from leading teinds who were not in the habit of doing so for some years past or warranted for that effect by the Commissioners for the Surrenders, and further that if they had been inclined to use force they could have done so by their friendship in Lothian, "the said Sir Robert replyed that if 500 of the best of Scotland had beene with thame they sould not gett that teind except they got it over his bellie." He thereupon went to the lands of Pleuchefield, which do not belong to him, and violently seized a large quantity of the minister's teind which was standing thereon. Upon their going to another field of Sir Robert's to proceed with their teinding, he followed them thither also with the like threats, so that they were forced to desist, and, moreover, he and his said brother avow that they will do the like in regard to the parsonage teinds of the said Countess. Pursuer compearing and passing from the pursuit of the Laird of Smetoun, and Sir Robert Hepburne, defender, being also present and admitting the prohibition given by him to his tenants, but alleging that he knew nothing of the said proclamation, the Lords, judging this alleged ignorance somewhat improbable, in respect of his confession, ordain him to pay a fine of 200 merks to the Treasurer, Depute Treasurer and Receivers of his Majesty's Rents, to be warded in the tolbooth of Edinburgh till he pay the same, to find caution acted in their Lordship's books to restore the vicaige teinds to the minister, and to allow the said Countess to uplift her parsonage teinds or else pay her the money value, and to find lawburrows to the said minister in £1000. The said minister is also ordained to find lawburrows to him in 500 merks.

Commission under the Signet to the Sheriff of Aberdin and his deputes, and the provost and bailies of Aberdin, or any three of them, the provost or one of the bailies being always present, to search for, apprehend, imprison and examine Margaret Lumaden in Futtie, Mallie Cowper there, and Marion Rodgie, dwelling at the shore of Aberdin.
Marion Hardie, who was lately burned for witchcraft, at her examination before the Bishop of Aberdein and the provost and bailies of Aberdein, confessed that she and the persons named came "frome Fraserburgh in May last and conveenand with the devill at the water mouth of Dee beside the blockehous, plotted the death of Richard Cadeneidis boate in Futtie, kust ane number of stones in the water mouth when the boate was comming in, quhairthrow and by their divilish enchantedments the said Richard and all his companie died, ane man excepted. And siclyke she confess that she accompanied with Margaret Fisher in Peterhead, Margaret Ritchie, Margaret Whyte there, Margaret Small, Margaret Buchan, Margaret Ritchie in Boddome, Margaret Gilchrist in Fishertoun of Bownes, Margaret Buchane, spouse to William Small, there, Cowie, ane browster there, and spous to Mathow Will in Peterhead, being all conveenend togidder in one companie at the devills command be Mathow Wills wyfe her instigatioun, destroyed ane boate belonging to Peterhead quhairin there perished or died twelie or threetie persons." These last named persons are also to be sought for, apprehended and imprisoned, and all to be examined and the results reported in writing to the Council for further instructions—Signed by Mortoun, Wintoun, Lauderdaill, Hamilton, Sr Thomas Hope, and Scottistarvet.

Commission, signed as above, to James, Lord Desford, and the Sheriff of Aberdein and his deputes, or any two of them, for the trial of John Philp, vagabond, for witchcraft.

Another commission, signed as above, to Sir Robert Arbuthnot, elder, Sir Robert Arbuthnot, younger, of that Ilk, David Ramsay of Balmaine, Sir Gilbert Ramsay, younger, of Balmaine, knight baronet, David Barclay of Mathers, Sir Alexander Stratoun of Lawrestoun, Sir Robert Grahame of Morphie, David Rait of Halgreene, William Rait, younger thereof, and James Aides (sic—? Allardes) of Kinneff, or any two of them, to apprehend and try Patrick Tod in the parish of Eglisgret for witchcraft.

"The quhilk day Gabriell Cunninghame for Glasgow, Johnne Cowane for Holyrood Striviling and William Bell for Lynlythqu, compeirand personnall befoir the Counsell, maid offer of the lyke soume for the extraordiner taxation of their burgis as they paid in the formair taxation; whilk offer the Lordis acceptit, and acts ordanit to be extendit thairupon."

In connection with the resignation by the Earl of Annerdaill of the Stewartry of Annerdaill, it is here added—"For discharge of the whilk office for the year to come the Lordis made choise of the Laird of Lag to be Stewart of the said stewartrie, and ordanit a commissioun to be exped unto him, and a warrand to the Earlis of Wigtoun or Bugcleugh to tak his oathe."

[Here ends the Register of Commissions.]
A missive from his Majestie concerning the abuses committit be James Gordoun of Letterfourie the tyme that he boor office in Badyensauge under the Lord Gordoun. Ordanis him to be warntit to the nixt Counsell day at the instance of George Abicrombie, informair.

“A proclamation againis the transporte of Franshe and Spanishe salt.”

“A missive to his Majestie anent the wrong committit upon the Earle of Annandaill be Sir Richard Grahame.”

“A missive to his Majestie anent the clame pretendit be the Franske king to New Scotland.”

“Aane missive to the president of the Counsell and Secretair anent the commission send doun againis Laurence Keir.”

“The Lordis nominatis Capriontoun to be baillie of Kyll Steuart and Lag to be Steuart of Annandaill.”

“Aane charge againis Johnne Miln, goldsmith, for making of the said Chancellouris seale” (referring to the charge against Richard Home of using a false seal of the Chancellor of Ireland, ante, p. 24).

“After our verie heartilie commendations to your good lordship. Whereas at the lait meiting of the estait in the moneth of August last there was ane commissioun expend to some certane persons of everie estait, of whome your lordship is one, for the treatise anent the commoun fishing and association with England in maner specefit in the articles sent doun from his Majestie thereanent, and the second day of November nixttoome is appointed for the compeirance of the hail commissioners before his Majesteis Counsell to receave their information and directions anent their proceedings in this bussines; and whereas the mater is of so great importance quhairin the haill bodie of the estait hes suche commoun interest, these ar thairfoir to request and desire your good lordship to keepe this dyet preciselie. Quhilk looking assuredlie your lordship will doe as youw respect his Majesteis obedience and service and the good of the countrie we committ yow to God. Frome Halyrudhous the aucht day of September 1630. Subscribe, Mortoun, Wintoun, Lauderdaill, Hamiltoun, S’ Thomas Hope, Scottistartvet.”

“After our verie heartilie commendations. Having heard the commaint made againis yow be the Erle of Lauderdaill anent the leading of his teinds in contempt of the proclamation laitlie sett out and published anent the leading of teinds1, we mervelled not a little that suche ane contempt and disobedience could have fallin out in your person who so long hes borne office and beene employed in so manie publict services of the state. And we have excused your absence and not compeirance at this tyme in respect of the testimonials produced and hes continewed that complaint to the nixt Counsell day appointed to be upon the second day of November nixttoome, yitt we cannot be answerable to his Majestie if we sall oversee and connive at anie forder

1 See ante, p. 88.
contempt to be committed be yow in this kynde; and thairfoir these ar to forewarne yow and in his Majestie's name to command yow as yow will be answerable upon your highest perrell to forbeare all forder medling with these teinds this present yeere bot to suffer the nobleman, according to his right and former possessioun (latelie interrupted be yow) peaceable to collect and leade the saids teinds without anie trouble or molestatioon to be done be yow to him. Quhairin, if we sell heare of anie forder complaint aganis yow, we will be constrained to take suche course thairin as is dew to persounz disturbers of the publict peace and quytnes of the kingdome; bot looking that yow will be more respective of your dewtie and obedience in this point, we committ yow to God. Frome Halyruidhous the aucht day of September 1630. Subscribitur, Mortoun, Wintoun, Hamilton, S' Thomas Hope, Scottistarvet."

"Forsameekle as it is understandable to the Lords of Privie Counsell that the Frenche salt is of necessarie use for making and salting of fishe, whairof this countrie is lyke to be depriyed be reasoun of the restraint of exportatioon thairof latelie made in France; and whereas order and good governement requires that the Frenche or Spanishe salt, being within this kingdome, sall be reteained within the same and sold to the lieges thairof at ane reasonable rate for service of the countrie in the uses aforesaid, thairfoir the Lords of Secret Counsell ordains letters to be direct to command, charge and inhibite all and sindrie merchants, maisters and owners of shippes that they nor none of thame presome nor take upon hand to transport furth of this kingdome anie Frenche or Spanish salt under all highest pane that by course of law may be inflicted upon thame for their disobedience, and if neid beis to fence and arreist the vessellis and shippes whairin the said salt is or sall happen to be shipped and to take the sailes fra the races to the effect they may not depair."

"Anent the supplicatioun presentit to the Lords of Secret Counsell that the provost and bailleis of Linlithgow makand mentiouin that where in the twa former taxatiouns, whairof the one was grantit to his Majestie's darrest father of blessed memorie in the moneth of August, 1621, and the other was grantit to his Majestie himselfe in the moneth of October, 1625 yeeres, they agreed with the saids Lords for the soume of ane hundreth three score three pundis twa shillings sax penneis for the extraordinarie taxatioun of thair burgh upon the annuellents in either of the saids twa taxatiouns and for everie yeere of the foure termes payment of the same; and whereas they ar willing and content to underly that same course and to make the lyke offer of ane hundreth three score three pundis twa shillings sax penneis for everie one of the foure termes payment of the present taxatioun grantit to his Majestie in
the moneth of Julij last and for the extraordinarie taxatioun upon the annuclrents of thair said burgh; and whereas lykewyes the Kings Majestie by his letter direct to the saids Lords hes allowed and warranted thame to compone with suche burrowes for thair extraordinarie taxatioun as will make offer of the lyke soume for this taxatioun as they payed in the twa preceeding taxatiouns foresaidis, humbliely desyring thairfor the saids Lords to accept of this thair offer and that they may have ane act of Counsell past and exped thereupoun, lykewise at mair lenth is conteanit in the said supplication. Qhilk being read, heard, and considderit be the saids Lords, and they having lykewyes heard William Bell, deane of gild of Linlithgow, who compeire in name of the saids provest, bailieis and counsell and made the offer foresaid, and, the saids Lords finding the desire of the said supplication reasonable, the Lords of Secreit Counsell, according to his Majesteis misive letter and direction sent unto thame in this mater, hes thairfoir accepted and be the tennour heirof accepts the offer foresaid of ane hundreth three score three ponds twa shillings sax penneys made be the said William Bell in name of the said burgh for the extraordinarie taxatioun thairof upon the annuclrents for everie ane of the foure yeeris payment of the said extraordinar taxatioun, qhilk the said William promisit to caus be thankefullie and tymouslie payed with the ordinar taxatioun of thair said burgh to his Majesteis Collectour of the said taxatioun and to his depute and under receavers in his name having his power to receave the same. Qhilk payment so to be made sall be ane sufficient exoneration and discharge to the said burgh in that behalfe. And the Lords declaris and ordains that the said extraordinar taxatioun sall be payed allanerlie be the burgesses, freemen and inhabitants of the said burgh, who be the law hes beene obilest in tym bygane to pay ordinar taxatioun and to keepe watche and waird and to beare all other burdeins for the weale of the said burgh, toginer with the wedowes and the sonis and daughters, being minoris, of all suche burgesses, freemen and inhabitants as in their lyfetymes wer of the condition and number abonewritten and did beare burdein with the said burgh, so that they and no others sall be comprehendid within this agreement; secludin out thairof all persons dwelling in the countrie altho they have tenements within the said burgh for the qhilks they ar lyable to pay ordinar taxatioun; commandin heirby all the inhabitants within the said burgh that none of thame presomn to len thair names to the outputting of moneyes apperteaning to persons dwelling in the countrie as they will answere upon the contrarie at thair perrell."

Similar Act of Council in favour of the burgh of Stirlane upon a supplication by the provost, bailies, and council thereof, presented by John Cowane, their Dean of Guild. They had componed their extraordinary taxation upon the annualrents in the two last taxations for a payment
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of £422 17s. 9d. for each year of the four terms, and the Lords consent to their doing, so for the present taxation also.

Similar Act of Council in favour of the burgh of Dumbar upon a supplication by the provost and bailies thereof presented on their behalf by Sir James Baillie of Lochend, knight. They are willing to pay the sum of £90 15s. for their extraordinary taxation upon the annual rents for each year of the four terms, being the same as was paid by them in the two former taxations, and of this offer the Lords accept. In this case the Lords ordain the provost and bailies of Dumbar to deliver to the Collector or Clerk of the taxation a note of the names of all such persons within their burgh as are burgesses and freemen, liable to watch and ward, and to contribute to the public affairs thereof, subscribed by their clerk, so that it may be known that they and no others are stented.

Similar Act of Council in favour of the city of Glasgow on a supplication by the provost and bailies thereof, presented by Gabriel Cunningham, provost. They had composed for their extraordinary taxation upon the annual rents in the two preceding taxations by a payment of £815 12s. 6d. for each year of the four terms, and are willing to pay the same for the present taxation. This offer the Lords accept.

"Anent the supplication presented to the Lords of Secret Counsell by Elizabeth Garioch in Claymyres, makand mention that where it is not unknowne to the saide Lords what heavi trouble, miserie and distresse she hes susteane of lait for her averseness and not conformitie to the religiuon presentlie profest and be law established within this kingdome, being committed to ward for the same within the tolbuith of Aberdein, where she hes remainede these moneths bygane having no earthlie meane whairwith to intretaine her selfe but ane croft of bollis sawing and nather husband nor childe to attend the winning and ingadredding thatrof, besides that she is ane sickele, aged, decrepitate woman, past three score ten yeeres, bedrell for the present, and not likelie long to live, whiche makes her restraint to be so muche the more greevous unto her that for obtening of her libertie and for eschewing of scandall whiche her remaining in the countrie may breid or occasioun, she is content and reddie to find sufficient caution actit in the booke of Secret Counsell for her removall furth of his Majestie dominions within suche a reasonable tyme and under suche panes as the saide Lords after consideration of the seassoun of the yeere and of her distrest estate salt think licence fitt to appoint; humbelie desiring thatrof the saide Lords do give command to the provost and bailles of Aberdein to putt the supplicant to libertie and freedome furth of their tolbuith and suffer her pas where she please, she finding caution actit in maner and to the effect abonewritten, lykees at mair length is conteanit in the said supplication. Quhilk being read, heard, and condissiderit be the
said Lords and they being sparing to proceed or meddle in the said mater without the privitie and allowance of the Bishop of Aberdein within whois diocie the said supplicant remains and to whom the fyftene of this instant was formerlie appointed for her removall, thairfoir the saids Lords hes remitted and thairwithall gives warrant to the said Bishop of Aberdein to receave sufficient cautiou and soveretie for the said supplicant her removall furth of his Majesteis dominions betuix and suche tyme as the said Bishop of Aberdein after consideration of the said supplicant her estate sall allow and appoint, and that under the pane of ane thousand merkes; and ordaines the said Bishop to returne the said bond of cautionerie to the Clerk of the Privie Counsell to be registray by him in the bookes thairof. Whiche cautiou being found be the said supplicant and testifed by the Bishop, the saids Lords ordains the provest and baillieis of Aberdene to putt the said supplicant to libertie and freedome furth of thair tolbuith and suffer her pas where she please, quhereanent the extract of this act with the said Bishop his attestation upon the receaving of the said cautiou sall be ane sufficient warrand to the saids provest and baillies."

[Sederunt as recorded above, except Wigtoun.]

Supplication by Sir David Home of Wedderburne, as follows:—The protection granted to him for going about and settling with his creditors has expired, and during the term thereof he has been very diligent in the business. "The restraint of his libertie and freedome fra attending his teinding and others his adoes this present harvest will be ane great hinder and lett to this worke," and therefore he craves that the Lords would extend his protection. This their Lordships do until 15th November next.

Supplication by Sir John Home of Blacadder, knight, as follows:—The King has been pleased to appoint him Sheriff-principal of Berwick for the following year, and he has "frequent and urgent bussines with Sir James Home of Eckills, knight, and Sir David Home of Wedderburne," he and his estate being burdened heavily as cautioner for them, and measures are being taken for disposing of portions of their estates for his relief. For this purpose it is necessary they should meet frequently together, and he has certain information that in his capacity as Sheriff he will be charged with captions for the apprehension of the said Sir James and Sir David Home. That his business may proceed he craves that their Lordships would grant him an immunity from the said charges of caption, with their licence to intercommune with these gentlemen during his period of office. The Lords, however, only grant him this liberty until the 20th of November next.
"That the retrinabeing of the libertys due to the subiectis of this kingdome trading in France be rememberit and considderit of the next Counsell day, and ordanis the Clerk of Register to seke oute and produce that day all recordis he can find concerning the saids privilegis."

"The nixt Counsell day appointit to be upoun the secund day of November nixt."

"After our verie heartillie commendatios to your good lordships.

Your lordships remembers of the commissioun sent doun from his Majestie anent Laurence Kerr and upon quhat grounds the same was stayed and ane misive ordained to have bee writtin to his Majestie acquainting his Majestie with the reasouns of the stay, bot this misive being miscaryed and never sent to his Majestie it hes pleased his Majestie of new by his letter direct to the Lord Chancellor to give warrand for expeding of the said commissioun and appeding of the seale thairunto. And whereas thir reasouns quhikls fortherlie procured the said stay ar yit of the same nature and force and the not representing of the same hes beene the cause of this second direction quhairin notwithstanding his Majestie hes exprest his singular care both of the libertie of the kingdom and of the dew course of justice in so farre as he hes limited his directioun to a lawfull caus and reasoun to be shewin to his Majestie why the commissioun sould not pas; thairfor we will earnestlilie request our good lordships to excuse us to his Majestie for not expeding the commissioun and to represent to his Majestie the reasouns moving us thairto, to wit, that the commissioun wes not docqqueted be your Majesties Secretar quhilk made it so muche the more suspicous and it boore no warrand to the Directour of the Chancerie for expeding thairof. 2. The commissioun in the termes as it is conceaved is not warrantable be the lawes of this kingdome, the partie never being callit to his answer nor no direct accuser knowin againis him. 3. The commissioun gives power to inquyre and take up dittayes againis the partie and to examine witnessis upon oath quhilk has never beeene usuall bot in justice airis. 4. The commissioun gives warrand to direct letters of horning upon everie thing to be concluded be the commissioners uther againis the partie or the witnessis, quhilk lykewayes hes not beeene usuall quhair a partie is answerable and lawbydding and never declyned a lawfull tryell. 5. By the fundamentall lawes of the kingdom there is judicatoreis als weill soveraine as subalterne established for trying and punishing of all offenders quhatsomever from the highest cryme of treason to the smallest cryme that can fall out and in thir judicatoreis parteiis greeved may expect redresse of thair just greeves and sould not importune his Majestie with commissiouns of this kynde derogating to the authoritie of the ordinar judges, prejudiciall to the liberties of the kingdome, and greevous to his Majestie good subiects in consequence and exemple. Thir and suche others reasouns as your lordships out of your awin judgements sall find
out we will earnestlie request your lordships to represent to his Majesty's Royal Letters, 1630.
royall and judicious consideratoun, letting his Majesty know that we are free of all privat respect to the partie in this particular whois offence we presse not to excuse nor extenuat nor yitt to shunne and frustrat his tryell, but our humble desire is that his Majesty would be pleased to remitt him to his ordinar judge before whome the course of justice will be potent to all compleanners. And if his Majesty be resolved to have the commissioun to goe on, upon significatoun of his royall pleasure thereat his Majesty shall receave satisfactiou. And so with the remembrance of our best affectiou, committing your lordships to Gods protection, we rest, etc. Halyrudhous nono Septembris 1630. Subscribitur, Mortoun, Wintoun, Laderdaill, Hamiltoun, S. G. Elphinstoun, James Baillie, Scottistarvet."

"Most sacred soverane, By this petitioun givin in to us be the Erle of Annerrdal your Majestie will perceave what just caus of complaint hes beene givin to him be Sir Richard Grahame, knight, in a mater concerning the twa kingdomes and how that he out of his humble and respective obedience to your Majestie peace hes forborne to doe anie thing quhilk might give the least occasion of dislyke or breaks in these bounds, and contents himselfe to seeke reparatioun and redresse of his wrongs by the dew course of justice, quhairin he hes hitherto so carried himselfe as nothing hes fallin out on his part prejudicall thairto. And whereas the point in question betuix thame is nationall concerning both kingdomes, and quhilk of a small beginning may produce forder disorder to the breake of the publict peace, we have thairfuir presoomed to recommend his petitioun and the desire thairof with the consequence of the wrong and what may result thairupoun to your royall and excellent judgement and humbelie to beseche your Majestie to take suche speedie and tymous order thairin as all forder occasion of disorder and trouble may be prevented and the good and happie peace quhilk your Majestie so earnestlie affects betuix the kingdomes may be cherished and interteanmed. And so, etc. From Halyrudhous 9 Septembris 1630. Subscribitur, Mortoun, Wintoun, Laderdaill, Hamiltoun, S' Thomas Hope, Scottistarvet."

"Most sacred Soverane, We have understood by your Majesties letter of the title pretendit by the Frenshe to the lands of New Scotland, whiche being communicat to the Estaits at their lait meetind and they considering the benefit arysing to this kingdome by the accession of these lands to the crowne and that your Majestie is boundin in honnour carefullie to provyde that none of your Majesties subjects doe suffer in that whiche for your Majesties service and to their great charge they have warrantable undertakin and successfullie followed out, we have thairupoun presoomed by order frome the Estaits to make remonstrance thairof to your Majestie, and on their behalfe to be humble supplicants to your Majestie that your Majestie would be graciouslie pleased
seriously to take to heart the maintenance of your royall right to these lands and to protect the undertakers in the peaceable possessioun of the same, as being a businesse which tuiches your Majestis honnour, the credite of this your native kingdome and the good of your subjects interested thairin. Remitting the particular reasons fit to be used for defence of your Majestis right to the relatioun of Sir William Alexander, your Majestis Secretarie, who is entrusted thairwith, we humblie pray the Almighty, etc. Halyrudhous 9 Septembris 1630.

Subscribitur, Mortoun, Wintoun, Launderaill, Hamlton, St Thomas Hope, Scottistarvet."

Sederunt—Chancellor; Treasurer; President; Privy Seal; Lin- Holyrood House, 2nd November 1630.

Clerk of Register; Advocate; Justice Clerk; Sir James Baillie.

"Forsameekle as it hes pleased God to visite this kingdome with a most unseasonable, unyntous and lait harvest so that the cornes hes beene universallie evil win and in manie parts of the countrie they ar not yet win, quhilks threatens not onlie ane extreme skarsetie of all kynde of grayne and corne bot ane extraordinarie dearth of the same, to the apperand wracke and undoing of manie poore famileis and hurt of all harvest.

persons of whatsoever ranke and qualitie; and the Lords of Secreit Counsell, being carefull to oversee and prevent all suche indirect courses as may forder this imminent skarsetie and dearth and to provide for the releafe and confort of the countrie, they have tharefoir resolved and be thir presents concludes and ordains that there sall be ane strait restraint of exportationn of all sort of cornes be sea or land for the yeere to come furth of this kingdome; and for this effect ordains letters to be direct to command, charge and inhibit all and sindrie his Majestis lieges and subjects and all forrainers and strangers be opin proclamatioun at the mercat croces of the heid burrowes and seaports of this kingdome and others places neidfull that none of thame presomne nor take upon hand at anie tyme heerafter during this yeere to come to carie or transport be sea or land furth of this kingdome anie kynde of cornes or victuall under whatsoever cullour or pretext under the pane of confiscation of the same victuall and of the haill remanent goods and geir perteaming to the awners and transporters thairof to his Majestis use, besides the punishment of thame in their person at the arbitrement of his Majestis Counsell; and siclyke to command and inhibit all and sindrie skippers, maisters and awners of shippes, be opin proclamatioun, as said is, that none of thame presomne nor take upon hand to fraught their shippes for exportationn of victuall nor to receave aboord of their shippes anie kynde of victuall to be exported under the pane foresaid of confiscation; as alsa to command and charge all and sindrie shireffs, stewarts, provests and bailleis within burgh, customers,
searchers and all others his Majesteis offiicis to burgh and land that they and everie one of thame within thair several bounds and judications have a speciell care and caus diligent attendance be givin that no victual be transported out of thair bounds; and whereas they sall fynde, or discover anie kynde of victual shipped to be transported be sea or anie kynde of victual to be caryed out of the countrie be land that they stay and arrest the same and nowayes suffer the same to be transported, but that they put it in ane sure keeping to be furthcommid to his Majestie as accordis, as they and everie one of thame will answer to his Majestie and the saids Lords upon the dewitfull discharge of thair offices and at thair highest charge and perrell.”

“The whilk day Sir Robert Grier of Lag accepted upn him the office of the Stewartrie of Annderdaill and gave his oath for faithfull administracion thairof.”

“Forsameekle as Sir Robert Grier of Lag is nominat and constitute to be Stewart principall of the Stewartrie of Annderdaill for the yeere to come, quhilk office waiked in his Majestie hands by dimissioun made thairof be John, Earle of Annderdaill, lait Stewart principall of the said stewartrie, and whereas ther is not ane clerk authorised with lawfull warrand within the said stewartrie to exerce the office of clerkship thairof, quhilk will be ane great hinder and prejudice to the said Stewart principall to discharge that service to his Majestie contentment and weale of the subjects, thairfoir the Lords of Secreit Counsell gives and grants power and warrand to the said Stewart principall to make, chois and create ane sufficient clerk to serve in the office of clerkship of the said stewartrie for the yeere to come at the leist ay and whill Sir William Alexander of Menstrie, knight, his Majestie principall Secretarie, who hes power of nominatioun of the said clerk, provide and fill the said place with ane sufficient clerk. And whereas lykeways there is no sufficient jaile within the said stewartrie for keeping of rebellis, prisoners and delinquents so as when the said Stewart hes apprehendit thame he has no place whairin to keepe thame, quhilk will be lykeways ane great hinder to his Majestie service, beside the hurt and prejudice of his Majesties subjects, and seing the jaile of Dumfreis is the most sure and commodious place where the prisoners and delinquents of the said stewartrie may be most commodiously keepad, thairfoir the saids Lords ordains and commands the said Sir Robert to caus all suche prisoners and delinquents who sall be apprehendit be him and his deputis to be saufelie convoyed and caryed to the jaile of Dumfreis, and for this effect ordains letters to be direct chargeing the bailleis of Moffat, Annand and Lochmaben to receave fra the said Sir Robert and his deputis all suche persons as sall be presented unto thame be the said Stewart and his deputis within twa hours nixt after they be charged thairto and to caus convoy and transport thame in suretie to the burgh of Dumfreis and to delyver thame to the provest and
bailleis thairof within fortie saucht houreis nixt thereafter under the pane of rebellioun and putting of thame to the horne, and to command and charge the provest and bailleis of Dumfreyis to receave fra the saids bailleis of Moffat, Annand and Lochmaben or others having their power and warrand all suche persons as sall be brought unto thame within twa houreis after they be charged thairto, and to committ thame to waird within thair jyle, and to detene thame thairin upon thair owne expenses ay and qhill thay be lawfullie and ordourlie fred and releaved, under the pane of rebellioun and putting of thame to the horne; with certification to the persons abonewrittin or suche of thame as sall disobey the said charge that not onelie sall they be denounced rebellis and putt to the horne bot lykeways sall be otherways punished in thair persons and goods as contemners and disobeyers of the directiouns and commandements of his Majesteis Counsell."

“The whilk day in presencie of the Lords of Secret Counsell conpiered personallie James Crichtoun of Findraucht and declared that immediatlie after that unhappie and deplorable burning of his towre of Findraucht¹ and of some noble persons and others being thairin committed be some devilish and odious plotters againis him, his lyfe and estate in the moneth of October last, the said James Crichtoun of Findraucht partlie out of greefe of mynde and partlie for eshewing anie suddane violence whilk might be used againis him he addresst himselfe to the burgh of Perth where George, Viscount of Dupline, Lord High Chancelier of this kingdome, had his residence, and there humbelie desired the said Lord Chancelier to protect him frome all violence and injurie, and to take diligent tryell of the committers of the said haynous fact, and offered himselfe readie to undergoe whatsomever tryell for anie appearance of suspicioun whilk might arise againis him upon occasioun of the burning of the persons foresaids within his towre. Lykes now the said Laird of Findraucht being come to the burgh of Ediburgh with the said Lord Chancelier and being personallie present this day in Counsell he repeated his former declaration in presencie of the whole Counsell and humbelie intreted thame to make diligent searche and inquisition for trying the actors and committers of the said odious and treasonable fact; and for his awne part to testifie his innocence wes content to act himselfe, lykes be thir presents he actit himselfe to compeir personallie before the saids Lords whenever he sall be lawfullie charged to that effect under the pane of ane hundreth thowsand merkes.”

“The Lords of Secret Counsell, having heard the relatioun of James Crichtoun of Findraucht proporting that immediatlie after that unhappie burning of his towre of Findraucht and of some noble persons and others being thairin, in the moneth of October last, the said James addressed himselfe to the burgh of Perth, where George, Viscount of Dupline, Lord High Chancelier of this kingdome had his residence for the

¹ On October 8, 1630.
tyme and there humbelie desyred the said Lord Chancellour to protect him from violence and to take tryell of the committers of the said haynous fact and offered himselfe ready to underly whatsoever tryell upon anie appearance of suspicioun quhilk might arise aganis him upon the occasioun foresaid. And whereas the said Lord Chancellour declared in presence of the saids Lords that the said James Crichtoun of Fendraucht come to him in maner and to the effect abonenwrittin and that he accepted of the said James in his companie and house and keepe him sensyne till this day of the said James his appearance before the Counsell, the Lords of Secret Counsell findes and declares that the said Lord Chancellour in the accepting of the said James Crichtoun in his hous and companie and keeping of him till this day that the said James exhibite himselfe personallie before the Counsell did good and acceptable service to his Majestie and conformed himselfe to the credite and ductie of his place and office in everie point, and thairfoir the saids Lords exoners and Fol. 290, b. approves the said Lord.”

“The Lords of Secret Counsell gives and grants commissioun to Alexander, Erle of Linlithgow, Dundas of that Ilk, James Areskine of Balgownie, Thomas Dalyell of Manerstoun, Robert Drummond and James Gib and to some mariners to be nominat and appointed be thame, to visite the river of Forthe and all the parts thairof abone the Quenisferrie both upon the north and south coast, and to consider the harme and prejudice done to the river be casting of ballast thairin and to report to the Counsell the harme and prejudice that they find in that mater.”

[Sederunt as recorded above.]  

Information having been given to the Council that “M" George Sempill, indweller in Paisley, hes beene ane bussie practiser and consulter in points of witchcraft, quhilk hes givin occasion of ane foule and heavie scandall aganis him and aganis the holie ministrie whairof he wes sometime a preacher,” it was thought necessary that for clearing of his innocency he should be examined before the Council, and he has been summoned accordingly to this day. The said Mr. George compairing, and also Sir Walter Stewart of Minto, the informer against him, who declared that Agnes Boyd, who is now in hands for witchcraft, and has been brought to this town on suspicion thereof, “gave all the delatious aganis the said M" George and that she would verifie the same aganis him,” the Lords appoint the Clerk of Register, the Advocate and the Justice Clerk to examine the said Mr. George on the morrow in the Exchequer house, and confront him there with the said Agnes Boyd, and report their depositions in writing to the Council; and order is given to the said Sir Walter to present the said Agnes Boyd before the Commissioners for this purpose.
Complaint by George Welshe, merchant burgess of Edinburgh, as follows:—He had caused charge Adam Weir of Whelphill to fulfil certain points of a decreet arbitral between them, and because of this the said Adam Weir accompanied by David Weir, his brother, and others, armed with swords and other weapons, on 5th September last, being Sunday, assailed the complainer upon Crawford Mure, and with their drawn swords pursued and wounded him in several places, particularly gave him “ane cruell wound on the forehead to the effusion of his blood in great quantitie,” and they would have slain him had not some persons come to his relief. Charge having been given to the said Adam and David Weir, and they failing to compear, the Lords ordain them to be put to the horn.

Supplication by Francis Dryver, son of Charles Dryver, merchant in Birsto, as follows:—His father holds a letter of marque from his Majesty for the pursuit of the common enemy, and being in the discharge of his commission with a great warship, and the petitioner with him, they were driven by stress of weather into the river of Clyde. He and his company to the number of fifteen or sixteen persons having landed for the purpose of obtaining provisions and fresh water, they were first apprehended and imprisoned by Lord Sempill on suspicion of being pirates, but he finding no ground for this sent them to the Earl of Linlithgow, Lord Admiral, by whom they have been kept in ward for a long space, though they are true and loyal subjects, and the said Earl can find nothing in them to the contrary. They therefore crave that their Lordships would liberate them, so that they may go where they please with their ship and goods.

The Lord Admiral having been heard as to certain wrongs committed by the petitioners upon certain persons, for which they had been detained in ward, the Lords, finding that the alleged wrongs “wer not verie considerable nor of great moment, and that they had sufficientlie suffered for what they had offendit in that kynde,” commanded the Lord Admiral to set them free and suffer them to pass where they please with their ship and goods.

“The quhilk day a comissionoun wes ordaint to be exped to the Lord Gordoun and Lord Hay for apprehending of Johnne Meldrum and exhibioun of him befoir the Counsell.”

Act of Council in favour of the burgh of Culross on a supplication by the provost and bailies thereof, presented on their behalf by Patrick Keir, burgess of Culross. They had componed in the two former taxations of 1621 and 1625 for their extraordinary taxation upon the annueltens by a payment of £84 10s. for each of the four terms, and are willing to
pay the like sum on the present occasion. Of this offer the Lords of Council accept. [See p. 41, ante.]

Similar Act of Council in favour of the burgh of the Cannogait on a supplication by the bailies and Council thereof. They had formerly componed for payment of £100 for each of the four terms, and the Lords accept of their doing so on this occasion also. The petition was presented by James Aitoun, bailie of the Cannogait.

Similar Act of Council in favour of the burgh of Hamilton upon a supplication by the bailies thereof presented by William Lowdaine, town clerk of Hamilton, in their name. They had formerly componed for their extraordinary taxation by the payment of 100 merks for each of the four terms, and the Lords accept of the like payment for the present taxation.

"Forsameckle as the Lords of Secret Counsell ar informed that there is diverse pregnant presumptiouans aganis John Meldrum in Ridhall, William Murrey, Robert Wilsone and Robert Ridfurde, his servants, that they have beene upon the knowledge, counsell, device and executioun of that most barbarous, inhumane and treasonable fire raising within the place of Fendraucht where Johne, Vicount of Melghame, the Laird of Rothemay, and some others gentlemen wer cruelie burnt thairin in the moneth of October last; and whereas this treasonable attempt committed within the said place of Fendraucht and upon the innocent persons of the saids Vicount of Melghame and Laird of Rothemay is without exemple and deserves most exact tryell, thairfor the Lords of Secret Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to George, Lord Gordoun, William, Lord Hay, and Sir Robert Gordoun, knight baronnet, conjunctlie and severallie to pas, searche and sekke the said Johne Meldrum, William Murrey, Robert Wilsone and Robert Ridfurde, his servants, where ever they may be apprehendiit, and to bring, present and exhibite thame before his Majestie Counsell to be examined upon the said cryme as accords: And if it sall happin the saids persouns or anie of thame for eschewing of apprehensioun to flee to strengths or houses, with power to the saids commissioners or anie of thame to follow and persew thame and to require and charge thame in his Majestie name to rander thameselfes to the saids commissioners, and if they sall refuse to be takin and make oppositioun or resistance to the saids commissioners by keeping of the said strengths and houses or otherways, with power to the saids commissioners to make opin doores, and to use his Majesties keyes, and if neid beis to raise fyre and use all kynde of force and warrelyke ingyne that can be had for apprehending of the saids persons being thairintill; and if in persute of the saids persoons they refusing to be tane thair sall happen fyre raising, slaughter, mutilatioun or anie inconvenient quhatsomever to follow, the saids Lords decernis and declareis that the same sall not be impute as cryme nor offence to the
said commissioners nor persons assisting thame in the executioun of this commissioun, and that they nor none of thame sall not be callit nor accused theirfoir criminallie nor civyillie be anie maner of way in tyme comming notwithstanding quhatesomewer acts and constitutionis made in the contrare, whereanent the saids Lords dispenses be thir presents; and generallie all and sindrie things toward the apprehension of the saids persons to doe and use quhikls of the law or consequence of this realm or knowne to apperteane. Firme and stable halting and for to hald all and quhatesomewer things sall be lawfullie done herein. And the saids Lords declares that if the said John Meldrum, William Murrey, Robert Wilson and Robert Ridfurde will compair before the saids Lords and clear thameselfes of this treasonable cryme that they sall not be troubled for anie other caus and sall not be warded for anie hornings used againis thame but they sall be free to come and gang at thair pleasure.”

“Forsameekle as Robert Elliot, callit of the Binkes, ane commoun and notorious thefe and fugitive frome the lawes, having latelie for eshewing of apprehensioun fled out of this k Dingdom to Flan ders, he is returned agane and hes begun his old accustomde trade of thiefe and hestollin fra Sir Arthur Gray, Englishman, sax ky, and appointed to part these ky with William Henrysone, his fellow thefe, within the burgh of Jedburgh, where they wer both committed to ward upon the rood day day last, within the quhilk ward they confest the thiefe and ane day was assigned to the said Sir Arthur for persute of thame; and in the mean time proved of Jedburgh, at his awne hand, without anie warrand patt the said Robert Elliot to libertie furth of the said ward, whairthrow his tryell and punishement was frustrat and disappointed, and he is now going aforth the country following his wounted thit in all parts where he may find the occasiouin, to the great hurt of his Majestie’s subjects; quhain the said proved hes verie farre oversee his dewtie and aucht and could be answerable for the said Robert Elliot by entrie and exhibitioun of him to his tryell; theiroir the Lords of Secret Counsell ordains letters to be direct charging the said proved of Jedburgh to compeir personalie and to bring, present and exhibite with him the said Robert Elliot upon the day of to the intent the said Robert may be delveryed to his Majestie Justice to be punished, and that order may be tane with the said proved for putting him to libertie without a lawfull warrand under the pane of rebellioun, etc., with certification, etc.”

“Anent our Soverane Lords letters direct makand mentioun, Forsameekle as Alexander Hay in Leith, having importuned his Majestie by diverse his petitionis compleaing of wrongs done to him by letters directed from his Majestie to the Lords of Privie Counsell and Session here, and his Majestie considering how muche it did concerne his Majestie in honnour and justice if anie suche caus had beene givin as
was falselie pretendit and how farre the saits Lords of Privie Counsell and Sessioun wer interest in these reports if they had found anie such mater to be of trueth, his Majestie was thairfoir pleased to give order to suche of the Counsell as wer with him for the tyme to call the said Alexander before thame and to peruse the extracts of the saids letters by whome it was found and reported to his Majestie that the said Alexander his complaint proceedit upon a meere calumnie without anie just caus; and thairfoir his Majestie considering how farre suche seditious persons deserve to be punished his Majestie was pleased to give some directiouns thereanent, quhairof the said Alexander getting notice he absented himself and thairby added contempt of his Majestie royall auctoritie to his former faulta. And anent the charge givin to the said Alexander Hay to have compeirand personallie before the Lords of Privie Counsell at ane certane day bygane to have answered to the premises and to have underlyne suche order as sould be tane thereanent under the pane of rebellioun, etc., with certificatioun etc., lykeus at mair lenth is conteanit in the saids letters, executiouns and indorsatiouns thairof. Qhilks being callit and the said Alexander Hay compeirand personallie, who being humbled upon his knees exprest his great greffe and sorrow for offending his Majestie or anie of his officiairs, and promiseit to be more respective of his behaviour and cariage heraft. With the qhilks declaratioun made be the said Alexander the Lords of Secret Counsell restit satisfied and content.”

[Sederunt as recorded above.]

Complaint by Margaret Bruce, spouse to Andrew Dunbar in Nether Blarie, and the said Andrew for his interest, as follows:—William Dunbar of Brako, Janet Kinnarde, his spouse, and Patrick Dunbar of Kilboyack, having a deadly hatred against the said Margaret Bruce, and resolving to take her life, in June last hounded out Alexander Dunbar, son of the said William, armed with a “great battoun” to lie in wait for her at some places near her dwelling. Knowing that on the 15th of that month she would be at Kinlosse about her lawful business, they sent the said Alexander to the Mure of Tarrass, “where he lay on his wombe in ane quyet part of the said mure, and, perceaving the honest woman comming by in ane peaceable and quyet maner her alone, he rose out of his lurking hole and, er ever she was awar," pursued her with the said baton, “gave her moe than twentie blae and bloodie striakes on the head, shoulders, armes and other parts of her bodie to the effusion of her blood and perrell of her lyffe,” and would have murdered her if Patrick Kinnaird of Covine, happening to come that way at the time, had not succoured her. She has since lain bedfast in great pain and peril for a quarter of a year. Charge having been given to the partie above mentioned as complained upon, and
also to Alexander Kinnaird of Cowbin, Walter Kinnaird, his servant, William Dumbar, his servant, John Winchester, burgess of Forres, Alexander Watsoun in Nether Blarie, Gilbert Watsoun there, George Bower in Craigmill and Nether Shireff in Over Blarie, as witnesses, and the pursuers compearing but not the defenders nor the witnesses, the Lords ordain them as defaulters to be put to the horn.

Complaint by Robert Maxwell of Dinwoodie, as follows:—On 14th December 1620 John Johnstone of Lochhous was put to the horn at the complainer's instance for non-payment of certain duties of the lands of Achroddane, which are part of the complainer's lands of Dinwoodie, from Whitsunday, 1616, to 31st July, 1619, and he still defiantly abides thereat. As the said John Johnstone fails to compear the Lords ordain letters of caption to be issued against him to the Steward of Annandale and his deputies.

Supplication by Sir George Home of Manderston setting forth that the protection granted to him for pursuing certain persons "who have practised agains his lyfe and state by witchecraft," has expired, and "the caus of his protectioun as yitt continewes, and there is ane his protection, action of divorcement intented agains him be Dame Helene Arnot, his spouse, and he hes others actiones before the Lords of Sessiou and others judges quhilkis require his attendance." He therefore craves that his protection be extended; and this the Lords grant till 10th December next.

Complaint by Captain William Campbell, as follows:—He undertook the charge of a company of soldiers for the wars of Denmark under Lord Spynie, and having shipped his men in the month of March 1628 and supplied them with all things necessary for their transport, about twenty of them, being Hieland men and criminals, dwelling within the bounds of Argyle and Lorne, left the ship and disbandit. He thereupon obtained and caused to be published at the market crosses and parish kirkis in Argyle and Lorne letters prohibiting the lieges from resetting these fugitives, notwithstanding whereof the following persons have taken these fugitive soldiers into their service after that they had lurked a while until the departure of the ship, viz.—Sorne M'C Dougall is reset by Archibald M'C Baroun V'o Lauchlane; Donald M'C Lauchlane Miller V'o Dougall and Angus M'C Eane Oig by Dougall M'C Dougall of Dinhauchee; Duncan M'C Eane Finlay and Coull M'C Dougall by Sir John M'C Dougall of Downmolycht; Nicoll M'C Nevin by Alexander M'C Dowgall of Toresay; M'C Michael by M' Duncan M'C Alman, minister, John Campbell, brother to the Laird of Parbreak by the Laird of Parbreak; John Roy M'C Gregour by Archibald Campbell of Lernaghe; Malcolm M'C Cooke with Neil M'C Corquodell of Phanteillane; and Finlay Boy Camrour and John Roy M'C Gregour by Margaret M'C Dougall, old Ladie Baray. This conduct has cost the complainer much trouble and expense, and may prove of dangerous
example if these persons be not punished. Charges having been given to the persons complained upon, and none of them compearing, the Lords ordain them to be put to the horn.

"Chargeis aganis the maisteris and landislordis in the Merse for bringing in thair tennentis to bee witnes and to be confronted with Johnne Neill and Elie Nesbitt who ar detenit in prissone for witchcraft." "The Lordis ordain the baillies of the Cannagait to provyde a house for the possait woman betuix and the xv of this instant, whilk he [sic] promeist to do."

"That the Shireff of Berwick be chargeit to bring in the womanis fader in law callit Alexander Andersoun."

After our verie heartlie commendations to your good lordship, Quhwhereas this late vacance hes produced one long intermission of the ordinarie meitings of the Commissioners for the Surrenders, to the great hinder of that service whiche his Majestie so oft recommendit unto thame, thairfor we have appointed the xxiiiij day of November instant for the nixt meitig of the saids Commissioners heere at Halyrudhou; and we will earnestlie request and desire your good lordship to keep this dyet preciselie, to the intent this bussines, quhilk hitherto hes had a small progress, may be prosecute and followed out to his Majestie contentment and weale of his subjects; and resting assured of your precise keeping of this dyet we committ your lordship to God. Frome Halyrudhouse the fyft of November 1630. Subscribitur, Geo. Cancell, Morton, Monteth, Hadinton, Winton, Air, Hamilton.

"Forsameekle as there is ane commission ordained to be past and exped under his Majestie great scale to some speciall and selectit persons of this kingdome for conferring, treating and concluding with the commissioners nominat or to be nominat and authorized be his Majestie under the great scale of England towards ane association and erecting of ane commoun fishing; and whereas this mater is nationall betuix Scotland and England, whilk ar twa free and distinct estats and kingdomes and sould be differenced by thair particular names and not confoundit under the name of Great Britane; and whereas likeways the great scale of this kingdome in the circumscription thairof beiris the particular names of Scotland, England, France and Ireland, thairfor the Lords of Secret Counsell ordains and commands Sir John Scoot of Scottistarvet, Directour of the Chancellarie, to write the said commissioun in thir termes, Carolus Dei gratia"
whairof the extract of this act sall be unto the said Sir Johnane warrand.

"The Lords of Secret Counsell recommends to the Commissioners anent the treaty of association for a common fishing with England to represent to our soverane Lord the prejudice whiche this kingdom sustenances by suppressing the name of Scotland in all the infeftments, patents, writts and records that his Majestie name and confounding the same under the name of Great Britaine, altho there be no union as ytt with England nor the style of Great Britaine receaved there, but all the public writts and records of that kingdome ar past his Majestie name as King of England, Scotland, France and Ireland; and that his humbleie to intreate his Majestie to give warrand to his Majestie Counsell that all infeftments, patents, letters and writts passing heerafter under his Majestie name be conceived under the name and style of Scotland, England, France and Ireland, defender of the faith, and that the style of Great Britaine be forborne."

[Sederunt as recorded above with the addition of the President.]

Complaint by Barbara Schaw, sister to the deceased George Schaw of Knockhill, and Thomas Norie, messenger, as follows:—She employed the said Thomas Norie to enforce certain letters of pointing raised by her against the tenants and possessors of the lands of Knockhill, and on 25th last when he had apprised forty sheep and fifteen hogs there for payment of the half of an annuity therefrom in which the said Barbara Schaw was infeft, and was driving them off towards Stirling, as the head
burgh of the shire, for their apprising, Mr. John Schaw of
Patrick Cunningham in , John Hart in Lawheid, William
Wilson, weaver there, James Drummond, James Campbell, Archibald
Campbell, Archibald Littlejohn, John and David Littlejohn, his sons,
William Skobie, John Bairdie, and James Fleeming, tenants and servants of the said Mr. John Schaw, and others, all armed with "swords, bandit
staffes, halberts, forkes, and other weapons invasive," pursued him, and overtaking him between Innerallan and the Bridge of Stirlitae, gave him "a number of cruell straikes with bandit staffes on both his hands neere the checkell bones, to the great effusion of his blood, strike him in at the left side with ane long forke and so birsed and bruised him with bauche and blae straikes on the backe and diverse others parts of his bodie, as he is not yet able to travell." They then violently took the poinde goods from him. Charge having been given to the said persons, and none of them comparring, the Lords after hearing the pursuers and some witnesses produced by them, find the defenders guilty as libelled and ordain them to enter into ward in the
tolbooth of Edinburgh within six days, and there remain until released by their Lordships. If they disobey they are to be denounced.

Supplication by John Meldrum in Reidhill, as follows:—He has recently heard, to his great grief, that information has been given to their Lordships that he was an actor or at least accessory to "the fyre raising in the houz of Fendraught in October last." His name and credit is thus touched "in a point quhilk passes all Christiane consideration, so that he craves nothing more earnestly than to be "cleared of that foule and detestable fact." He would therefore "with all willingnesse and readinesse have presented himselfe before the saids Lords without citation or charge if he had beene free of other causes quhilk he feares might have troubled him," and he craves their Lordships' protection with respect to these so that he may come and "submit himselfe to the most exact tryell that the course of law and justice will allow." The Lords, "being careful to use all possible meanes quhilk may procure a discoverie and tryell of the fact abonewrittin," grant the protection craved till 23rd November, and declare that if on Meldrum's appearance he prove innocent of the crime he will be free to return home at his pleasure. This warrant is to be without prejudice of the commission granted to Lord Gordon, Lord Hay and Sir Robert Gordon for his arrest, which commission also contains a protection to the said John Meldrum from pursuit from all other crimes, upon his rendering himself to the said commissioners or any one of them.

[The President is added in the Sederunt here.]

"Ane missive from his Majestie for expedying to the Marques of Hamil Toune ane commissioun for leveying of sax thousand men towards the assistance of his Majesties freinds in Germany, and ane act past accordinglie."

"Caprintoun accepted the baillerie of Kyle Steuart."

Act of Council in favour of the burgh of St Andrewes upon a supplication by the provost and bailies thereof, presented by James Watsone, one of the bailies, who represented their willingness to pay £490 yearly during the four years duration of the taxation as a composition for their extraordinary taxation. This offer the Lords accept, and ordain the petitioners to make and deliver to the Collector or Clerk of the Taxation a note of the names of the burgesses and freemen of St Andrewes, liable to watch and ward, and contribute to the public affairs of the burgh (See p. 52 ante.)

[Sederunt ut die predicto.]

Supplication by Katharine Chrystie in Dysert as follows:—Their
Lordships know "what heacie trouble, greefe and displeasure she has susteanned the diverse yeeres bygane by the malicious and unjust imputation of the cryme of witchcraft objected againis her be her unfriends, who seekes for nothing but her disgrace without anie purpose at all to putt her to are lawfull tryell." Their Lordships have been frequently troubled with this matter and for terminating it they thought good to send over the Justice Depute to examine her. This he has done and she refers their Lordships to his report therein. It having been represented to the said Justice Depute that so long as the suppli- cant was out of ward, no depositions nor complaints would be procurable against her, he on 15th August committed her to prison where she has since remained in great distress, and all this time no complaint has been given in against her. From this their Lordships may see how far she is wronged by the malice of her enemies. She is content to find caution to compair for her trial before the Justice on a lawful summons, and therefore craves to be put to liberty. The Lords ordain the bailies of Dysert to put her to liberty on giving caution as above in 2000 merks.

Suppliation by John Stewart of Coldinghame, as follows:—Their Lordships granted their protection for his coming to Edinburgh and for settling the accounts of the intromissions with his estate by Robert Douglas of Blaikester and Alexander Cranstoun of Morestoun. Since then they have gone over three years' accounts, and only those of other two years remain; but they cannot be dealt with save in Edinburgh and at the sight of their agents. He therefore craves an extension of his protection. This the Lords grant till 25th December next.

Sedent—Chancellor; Privy Seal; Winton; Linlithgow; Seafort; Holyrood House, 16th November 1630. Air; Bishop of Dunkeld; Bishop of Dunblane; Lord Melville Clerk of Register; Advocate.

"Forsamekle as the dyet formerlie appointed to Johne Gibsone in Crawfurde for his tryell before the Justice anent the slaughter of umquhill James Tennent in being upon considerable respects and in hope of agreement continewed be the Lords of his Majesteis Secret Counsell to the seventenee of this instant, and the saids Lords understanding that the slaughter forsaide and assytement and redresse to be made and givin thairfoir hath beene since submitted to some honourable persouns, judges arbitratours chosin be either of the saids persouns, and who accordinglie have givin furth thair decreit and sentence thairintill, which becaus the said Johne Gibsone being bot a poore man is not able of himselfe to fulfill without the helpe and concurrence of his freinds and suche others as he may move to contribute in this earand towards his releefe; thairfoir and for the better and more effectuall accommodating and final settling of this bussines the saids Lords ordains and commands his Majesteis Justice, Justice Clerk
and their deputys to continew the dyet appointed before thame for tryell of the said John Gibsone in the mater foresaid untill the tent day of December nixtoome, discharging thame of all proceeding aganis him in the meane tyme and of thair offices in that part whill the said tent day of December nixt, quhereanent the extract of this act sall be unto the said Justice, Justice Clerk and thair deputys are sufficient warrant.

"Forsameekle as it is understand to the Lords of Privie Counsell that latelie upon the day of November instant John Nisbet in Powtomylne, William and James Nisbits, his sonses, David Nisbit, his brother sonne, fiercelie and cruelie sett upon Alexander Home, sonne naturall to the Laird of Blacader, and persewed him of his lyfe with drawin swords, gave him ane cruel and deildie wound upon the head, gave him another wound upon his left hand whairwith they have strickin aff the twa formost joynts of his first twa fingers of his said left hand, and left him lying for deid: And whereas umquhill William Wilson, reader and schoolemaister in Dunce, come in to red the saids parteis, the saids Johne, William, Thomas and David Nisbits cruellie and unmercifullie slew the poore harmelesse man by diverse deildie wounds whilkis they gave him on the head, and they were tane with the bloodie hand and committed to waird in the tolbuith of Dunce where they now remaine. And whereas this cruell and merciessslaughter committed upon ane poore and harmelesse man be so manie persons does exemplar tryell and punishment, thairfor the Lords of Secreit Counsell ordains letters to be direct charging the Shireff of Berwick and his deputys to bring the saids Johne, William, Thomas and David Nisbits harmelesse and saulf to the burgh of Edinburgh, and to delyver thame to the provest and baillies thairof to be committed be thame to waird in thair tolbuith, thairin to remaine upon thair awne expenses ay and whill justice be ministrat upon thame for the said slaughter conforme to the lawes of this kingdome, within three days nixt after the said shireff and his deputys beis charged thairto, under the pane of rebellion etc.: And to command the saids provest and baillies of Edinburgh to receave the saids foure Nisbits fra the said Shireff of Berwick and his deputys within three hours nixt after they sall be presentit be the saids shireff and his deputys to thame, and to committ thame to waird in thair tolbuith and to keepe and detene thame thairin upon thair awne expenses in maner foresaid, under the pane of rebellion, etc., with certification to thame or suche of thame as faillyes or does in the contrair that letters sall be direct to denunce thame, etc."

[Sederunt as recorded above.]

Supplication by Sir John Charters of Amisfeild, Sheriff principal of Dumfreis, as follows:—Agnes Kay, spouse of the deceased William Gumsie, cordiner, burgess of Dumfreis, on 9th November instant,
slew her said husband "by ane straik in the bellie with his awin
whinger quhilk she drew from his belt," of which stroke he died
within an hour or two thereafter. She was taken by the Sheriff
deputes "with the bloodie hand," and having been tried and con-
victed by an assise, doom was about to be pronounced, when
Mr. Thomas Ramsay, minister at Dumfreis, interposed and earnestly
intreated "for ane short continuacion of the doome because she was
distracted and prayed for public tile in the kirk this yeere bygone or
thairby, and he wes to deal with her and to draw her to ane more
calme and satlled disposition and to embrace her death with that
Christiane resolution quhilk wes fittig." To this desire the said
deputes yielded, "being glade to doe anie thing that might bring the
poore creature to a trew sense and feeling of her sinne." Now the
time of the Sheriff's privilege has passed, and he is informed that he
cannot pronounce sentence upon the said Agnes for this slaughter with-
out their Lordships' warrant, and this he accordingly craves. The Lords
grant warrant to the said Sheriff and his deputies to pronounce doom
upon the said Agnes Kay for the slaughter foresaid conform to the
conviction and to cause justice be administered upon her accordingly.

Complaint by Adam Abircrombie of Auldrayne, as follows:—After
many disgraceful indignities and oppressions committed by George
Gordon of Newton upon him for which he cited the said George
before their Lordships, and the case having been dealt with on the 15th
instant, he expected that during the dependance of this action the said
George would have forborne all other violent and indirect dealings
against him. Yet he finds that as soon as he came to Edinburgh he
made search in the Register of Hornings, and having found an old
horning executed against the complainer at the instance of Agnes
Calder, widow of John Andersoun of Bonytoun, the said George, with-
out her consent, raised letters of caption thereupon, for the sole
purpose of disgracing and troubling him. Yesternight after they had
been heard before their Lordships, the said George between 9 and
10 o'clock, accompanied by George Dempster, John Schand and Stevin
Paxtoun, his servants, John Chalmer, messenger, Patrick Chalmer, his
son-in-law, James Duncan in Auldrayne, Hew Gordoun and John
Turnour, servitors to Sir Alexander Gordon of Cluny, James Drysdale,
George Young and John Baxter, town officers, came to the complainer
as he was walking upon the street of Edinburgh, and before he was
aware "they all violentlie rushed upon him, harled him to and fra
a lang tyme, druggin and drawing him up and doun the streit, dis-
gracefullie buffeted him upon the head and others parts of his bodie
and preast to have harled him to the tolbuith. And the complainer,
mervellin upon what occasioun thir people so insolente wronged him
and having modestlie demanded of thame the caus of thair insolent
behaviour, they seemed to cleere thameselfis be the captioun foresaid
proceeding upon the horning abovementiouned; quhilk horning and all that followed thairrupoun the compleaner upon reall satisfaction made to the partie suspendit in the 1627 yeere of God; and having by meere accidente this suspensiouin upon him with the acquittances of the partie, he shew the same to the persouns foresaidis " who refused to acknowledge them and continued their abuse. Charge having been given to these persons and the pursuer compairing and also the defenders, the Lords assoilzie them, because the complainer for proba-
tion referred to the defenders' oaths of verity, and the said George Gordon denied the raising of the said citation, while the said James Drysdaill and George Young declared that bailie of Edinburgh, having been charged in virtue of letters of citation by Chalmers, messenger, to apprehend the pursuer, and being commanded by the said bailie to assist the messenger in the execution of their office, they did arrest the pursuer, but immediately on being shown the suspension, they dismissed him without further trouble.

Complaint by Sir Thomas Hope of Craighall, knight baronet, King's Finess, 1614-31. Advocate, and by Adam Abircombye of Auldrayne, John Leith of Hart-
hill and George Leith of Threefield, as follows:—Though the wearing of hagbuts and pistols has been often prohibited by the lawes, yet George Gordoun of Newtown, after committing many insolences against the complainers, understanding that they were on September last to be at the Kirk of Kemnay attending there the ministers of the pres-
bytery of Garioch, assembled together George and Alexander Dempster, James Gordoun, John Mitchell, Stevin Paxtoun and William Skatertie, his servants, John Gordoun of Rotmes, John Leslie of Sheillisgreet, Patrick Gordoun of Glanderstoun and John Leslie of Flinder, armed with swords and other weapons and the prohibited hagbuts and pistols, and lay in wait for them in the highway to have taken their lives "crying aloud in the hearing of all that come by—Lord, if we had anie sight of them"; and they daily go and ride about thus armed for the slaughter of the complainers. Charge having been given to the said George Gordoun of Newton, and he compairing, and the Advocate and Adam Abircombye also compairing, and probation being referred to the defender's oath of verity, who confessed the carrying of the said firearms, the Lords ordain him to pay a fine of 300 merks before Satur-
day next to the Treasurer, &c., and also that he and Adam Abircombye find caution for each other's immunity, Gordoun in £1000, and Abir-
combye in 1000 merks, and that they will not in future bear firearms. Follows the act of caution to this effect by Patrick Gordoun, brother to Sir Alexander Gordoun of Cluny, for George Gordoun of Newtown, which, so far as respects lawburrows, includes the other complainers and their families, this being but a temporary bond till a formal bond is drawn up and lodged for registration in the books of Council before December next.
1630. CHARLES I.

Sedemus.
November 1629-January 1630.
Fol. 35, a.
Fol. 35, b.

“The Lordis ordnais ane warrand to be past for putting
who is accused criminallie for B. againe to libertie furth of the tolbuthe
to the intent he may mak his publict repentance for the scandall and
offence gevin by him thairthrow to the Church, he acting himself to re-
enter his person in ward quhenever he sall be lawfullie chargeit to that
effect, and in the manie tyme that he sall not frequent nor cohabite with
the said
his pretendit spous, bot sall divert and for-
bear all conversing with bir in tyme coming under the pane of

“The Lordis continewis the consideration of the overtour concerning
the remedie propounded for restreaining the forder inbringing of dolours
within this kingdome till Thuresday nixt; the Generall, maisteris and
officiers of the Cunyiehous, being personalie present, ar warnit apud
acta; and ordanis the commissioneris for the Burrowis who ar present
in the toown or the Clerk of the Burrowis to be certified of the said dyet.”

“The quhilk day the Lord Admirall tooke this day eyght dayes to The salt ship
produce the proces anent the salt ship of Caleia.”

“A warrand to the Shireff of Dumfreis to pronounce dome upon Agnes Kay.
Kay in Dumfreis for the slaughter of hir husband.”

Sedemus—Chancellor; Treasurer; Sd Andrewes; President; Privy
Seal; Wintoun; Linlithgow; Seafort; Bishop of Dunkeld.
Bishop of Dumblane; Lord Melvill; Sir Archibald Aches-
sone; Clerk of Register; Advocate.

Acts July 1629.
December 1630.
Fol. 294, b.

Holyrood
House, 16th
November
1630.
Case of
cohabiting.

Proposals by
John Acheson,
genral of the
Mint, for
reforming the
money.

H. Guthrie in name of the Burrowes and
currency.

It may please your Majestie understand that the onelie abuse and mis-
governement of the estate of the money within Scotland wes bred by
giving course to forraine moneys by the pce of the rait of your
Hienes awne money, whilk aucht onelie to have course be the unce
weight to be set down be your Majestis Counsell according to the
weight and fynnesse of the pryce of the unce, the deneir and the grane,
whairby the lieges may not be deceaved, whilk aucht to be sett furth in
print upon one table within the Cunyiehous as wes done in your Hienes
fathers tyme the nynt day of Marche, j"v" and nyntene yeeres, and
lykewayes by laike of punishment upon the transportors of your Majesteis awne moneyes and importing of infinite sorts of dollours, whairof the lieges nather knowes weight nor fynnesse nor the worth thairof, to thair great prejudice.

For remeide whairof may it please your Hienes to caus the basest sort of the dollours under the fynnesse of the rex dollour to be converted into small money to have course for exchange onelie within your kingdome of Scotland as the countreis of France, Flanders and Germanie does; as lykewayes in the raigne of the Queene Regent and Queene Marie, your Majesteis grandmother, there was coyned twelfepennie and saxpennie peeces, quliks would now corresond to penny and halfpenne sterline, besides manie baser sorts of monie, whairy your Hienes may have some benefite and your lieges well served; and also to convert the rex dollours in your Majesteis awne coyne in the same weight and fynnesse they ar of for making commerce with the Easternre countreis, for performing whairof lett the fynes of the highters and transportors of your Hienes awne moneyes pay for the coynage. Quhereanent if your Majestie will be pleased to give commissioun to ane or twa of your Hienes Counsell with my concurse to try the same I sail be readie to give my best advice and furtherance for that effect. And concerning the bilioun, lett the same have course with the standart of England conforme to the unioun of your Majesteis moneyes, to have course betuix England and Scotland, and for that effect to lett the Booke of Raityes be doubled and to be payed in foraine silver plait or money of ellevin deneirs fyne at suche pryczes as your Hienes Counsell sail appoint. But lett never your Majestie thinke that your Hienes can keepe moneyes within Scotland without severe and strait punishment, as I have sett down particularie in ane Information to your Majesteis Counsell. For conclussioun, if this project be not found expedient, there is no other way to my knowledge bot onelie to conforme your Hienes awne moneyes to the rait of the gold now current, or ellis to diminish the same ather in weight or in fynnesse, quhereanent your Hienes would doe well to heare the advice of the cheefe officiairs of your Majesteis Mynt in England, and in the meane tymie to prohibite the highting of the foraire moneyes under the pane of treason, the rather in regarde they ar alreadie higher nor your Hienes awne coyne."

Order to James Crichton, Commissar Clerk of Dunkeld, to appear before the Council on the charge of hav- ing opened a letter of his Majesty to the Earl of Montech, with which the said James had been entrusted.

"Forsameekle as Crichtoun, Commissar Clerk of Dunkelden, being intrusted with the carying and homebringing of ane close missive under his Majesteis hand and cashett directed from his Majestie to the Earle of Monteith, president of his Majesteis Counsell, the said Crichtoun not onelie most malapertrlie and presumptuoualie openned and disclosed his Majesteis letter and so acquainted himselfe with the contents thairof, bot with that he most falselie and mischantlie invented and forged directiouns as comming from the said Erle of Monteith to the Clerk depute of his Majesteis Justiciary and abusing the said clerk
with these false directions purchast from him letters in a mater formerlie forbiddin; for the quhilk malapert presumptioun and fals abusing of the said Erle of Monteth his name in a mater never heard of nor knowne be him the said Crichtoun aucht to be exemplarie punished to the torour of others to committ the lyke; thairfor the Lords of Secreit Counsell ordains letters to be direct charging the said Crichtoun to compeir personallie before the saids Lords upon the sxt day of December nixtocom to answere to the premises and to underly suche order as sall be tane thereanent under the pane of rebeillioun, etc., "with certificatoun, etc."

"The whilk day the missive letter underwrittin signed be the King's Maiestie and directed to the Lords of Privie Counsell, was presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weelbelovit couisine and counsellour, right trustie and weelbelovit couisines and counsellours, and right trustie and weelbelovit counsellours, we gret yow weill. Whereas we ar informed that untill our late deere fathers last being in that our kingdome all summes formerlie grantit unto him or anie of his predecessors by the Estates of our said kingdome were so dewlie apporiouned amongst thame frome tyme to tyme past memorie of man by the mutuell consent of all the Estates and by suche way of associatioun as the ecclesiasticall lands and beneficse payed the one halfe of the saids taxatiouns and the noblemen barons and freeholders of the Crowne, two thrid parts of the other halfe and the regall burrowes the other thrid of the said halfe (being the sixt part of the whole taxatioun) conforme to the Act of Parliament, lawes and practique of the said kingdome inviolable observed untill the last two taxatiouns, whairin the taxt rollis than suddanlie made did minister some cullour to the benefices and burrowes to account for lesse than thair dew proportioun and lesse than was taxed and collected from the severall vassallis and burgesses of the saids benefices and burrowes. And in regarde the said disproportioun was complained upon by our Sollicitour, Mr William Haig, unto whome we did latelie Grant ane commissioun for discoverie thairof in the saids two last taxatiouns, and we being verie desyrous to have that errour (if anie be) mended and prevented for the tyme to come, and in suche convenient maner as nan of our particular subjects may have anie just occasioun to thinke that ather we ar frustrated of thair benevolence granted or they disproportionnued in the divisioun thairof contraire to the former ancient custome, lawes and practique of the said kingdome, our pleasure thairfore is, and we doe heirby authorize, will and require yow to advert serioulie unto the making of the taxt roll of this present taxatioun and so in equitie to proportioun the same as (respect being had to the pund landis) the burrowes may be taxed to no more nor the sixt part of the whole, and the benefices to no more nor the halfe of the whole, as the continuall custome wes in payment of all former taxations.
of definite soumes; as also that yow have a care that the particular
benefices and vassals thairof and the particular burgesses and inhabitants
of burrowes be taxed to no more then according to the quantitie of thair
free rent and free geir respectivelie conforme to the tenour of the Act of
Parliament, and that the saids soumes so to be leveyed or payed in name
of taxatioun may be dowlis accounted for to our use; all whiche recom-
mending to your speciall care and diligence, we bid yow heartillie
fareweill. Frome our honour at Hamptoun Court, the tent day of
October, 1530. Quhilk letter being heard and considerit be the saids
Lords and they advised thairwith, the Lords of Secreit Counsell continewes
thair resoluyion upon the mater till the douncomning of M' Williame
Haig who hes made the overture to his Majestie and hes undertakin the
prosecution thairof; and in the meane tyme ordains the tatt rollis to
be exhibite to the Advocat to the intent he may conferre the same with
the Act of Convention whiche is the warrand and rule of the distribution
thairof."

[Sederunt as recorded above.]

Supplication by John Blair of Pittindreich, William Blair, his son,
William Rid in Pittindreich, Richard Thomesone there, David Turnbll
there, Robert Edward there, James Soutar there, John Anderson there,
Robert Ireland there, James Carmichael in Reidgothis and William
Mayne there, as follows:—They were recently charged at the instance of
Margaret, Elspet, Jean and Barbara Barns, as sisters, and the remanent
kin and friends of the deceased John Barns, to find caution in the Books
of Adjournal for comparing before the Justice and his deputys in the
tolbooth of Edinburgh upon 8th December next, to answer for the
slaughter of the said John Barns, and for testifying of their innocence
thereof they found the said caution. But they plead that if the circum-
stances of that slaughter be considered it will be found that the
petitioners cannot justly be chargeable. The said John Barns in
January, 1626, came with a number of accomplices all armed to the
dwelling-house of Barbara Scrimgeour, widow of David Monour of
Regent Denis, "under cloud and silence of night betaix ten and ellewin
of the clocke when she was in a sober maner going to her bed, and they
entering within her hous in a barbarous and uncivill maner, they putt
violent hands on her persoun, she being in a maner naikd, her cloathes
being loose and cassin aff, and she having nather hoise nor shoes upon
her feit and they hurled her perfors out of her hous kais the her on horse-
backe behind the said umquhill John Barns and band her with towells
and tadders fast to him so as she could by no meanes win aff the hore;
quhairupon the shoute and fray being rissin in the countrie and at last
comming to the supplicants eares, they out of ane haitrait and detes-
tioun of that barbarous fact, raise and followed, and with the hazard and
perrell of thair lyfes releaved the poore distrest woman readie to have beene overcome and beene defyled according to the filthie humour and lust of the said John; and he and his complices in maintenance of that fonle actioon opposed thamesselfes by thair hail strenth and might aganis the said suppliacnts and cruellie invadit and persewed thame of thair lyfes and in the rancounter the said umquhill Johnie cott a straikes upon the head with ane tre be one of his owne companie, as the compleaneers ar verie confident, of the quhilk strake he departed this lyfe." Further when the matter was brought before their Lordships at the instance of the said Barbara Scrimgeour, "the rept and ravishing foresaid wes cleerelie verified and provin aganis Alexander Scrimgeour, James Moncreiff and Williame Blaikie, who wer all present with the said umquhill Johnie Barns and assisted and tooke part with him in that violent and unlawful deid." When the party perceived that this action was likely to prejude their intended pursuit of the petitioners, they about March 1626 raised criminal letters against them for their compeareance before the Justice on 22d March, of which when their Lordships heard they took cognisance, and ordered the Justice to desert that diet, and to direct no new letters against the suppliacnts in that matter as an Act of Adjournal extracted from the Books of Justiciary shown to their Lordships proves. The petitioners therefore crave their Lordships to ordain the Justice, the Justice Clerk and his deputys, to desert the foresaid diet against them; and this the Lords do, and direct the Justice Clerk and his deputys not to issue any more criminal letters in this case against the petitioners.

Complaint by George Abercrombie, burgess of Inverness, as follows:—Complaint by George Abercrombie in Inverness against James Gordon of Letterfourie, sheriff and bailie under the Marquis of Huntly and Lord Gordoun, his son, Sheriff principal of Inverness, over their lands of Badenoich, during his bailiary "committed manie great abuses and bold and high contemps of justice." For instance, Duncan M'ildowie V'Kinlay in Dunnachtan moir, denounced for the murder of Ewin M'Ewin Braber there, Thomas M'Connachie fugitive from justice for the murder of Ferquhar Moir in Innercoromane, and Callum Bayne, Alaster Over and Robert Moir, three common and notorious thieves, reivers, sorneris and oppressors, being all in his power, and juries being empannelled upon some of them, yet he let them all, and also a number of other thieves, murderers and oppressors, who likewise were in his hands, go free instead of executing justit upon them as the duty of his office required. Further the said James is an avowd and excommunicated Papist, and, hating the complainer because he was a professor of the true religion and opposed to "his indirect policis for establishing of poperie within Badzenoch," violently and illegally thrust him out of his possession. Some notice of this having been given to his Majesty, the King has recommended to the Lords the trial and censure of the said James. He being charged to compear, and
the pursuer compearing personally and the defender by Robert Gordoun of Belownie, his brother and agent, the Lords find it proven that upon “some pactioun and composition” between him and his prisoner the said James did set Duncan McIl做完ie at liberty, after he was taken “rid hand” for the slaughter of Ewin McEwin Braber, and delivered into his custody as bailie foresaid and placed in ward in the Castle of Rivens; also that Thomas McConnachie and John Oig, being at the horn for the murder of Farquhar Moir in Innercorbe, the said Thomas is suffered to dwell peaceably in the country and upon the alain man’s estate, which he now possesses; further that Callum Bayne, Alaster Over and Robert Moir, three common thieves, who were frequently warded by the said James Gordoun for various crimes, were afterwards set at liberty by him upon a composition and giving caution, after which the said Alaster was again apprehended and again set at liberty, and the said Callum Bayne was sent to the wars, by which means their just trial and punishment were evaded. They find that the said James Gordon has thus greatly abused his office of a judge and magistrate, “and hes not discharged that dewtie qhilke became ane gentleman of his birth and persoun authorized with auctoritie and jurisdiction in the countrie,” and they ordain him to enter in ward in the tolbooth of Edinburgh within fifteen days, and there remain until suitable order be taken with him in this matter.

“The Lordis ordanis ane letter to be writtin to Sir James Ker and Bonjedburgh desiring to acquint the Counsell quhat was proceedit or determined be thame in the differenceis submittit unto thame be Raguell Bennett and William Rutherford. The rental of Lewis.”

“After our verie heartilie commendations. We wrote to yow of before concerning the differences betuix Ragwell Bennet of Chesters and William Rutherfurde, some to umquhill William Rutherfurde, callit of Rawflegg, Barbara Buchane, relict of the said umquhill Williamc, and Thomas Broun, now her spous, qhilka wer submitted judiciallie unto yow in presence of his Majesteis Counsell, and we earnestly recommendit unto yow the taking of tryell and cognitiooun of the said differences and to decerne and determine thairin accordinglie, and we looked to have heard some report of your proceedings and diligence herin; bot as yit we have heard nothing concerning that mater, qhilk hes moved the parteis interest to have recourse unto us of new for justice upon the first ground of thair complaint persewed before us. And thairfor these ar to request and desire yow to acquaint us with the first convenient occasioun how farre yow have proceedit in that bussines and how the same hes rested and beene delayed, and if there be nothing as yit done thairin that yow would yitt use your bestendeavour to satlle the parteis
Royal Letters, and to bring their business to some good conclusion. Qwhilk looking assuredlie yow will doe we commit yow to God. Frome Halyrudhouse, the nyntene day of November 1630. Subscriptur, Geo. Cancell, Morton, Monteth, Hadintoun, Wintoun, Arch. Achesone, Hamiltoun."

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Wedderlie, accompanied by John and William Edzer, his sons, and Robert Douglas, John Hinde, and John Nisbitt, their servants, and others, armed with swords, staves and other weapons, came and violently meddled with the said teinds and assaulted his wife and servants. "The said Robert Edzer shamfullie tooke the said Jeane be the mouth, cruellie wrang the same about so as the blood gushed furth both at the mouth and nose in great quantitie, and than barbarouslie slang the gentlewoman among his horse feit, raid over her with his hors," and thereafter carried off the said teinds to the barnyard of Wedderlie. Charge having been given to the persons complained upon and the pursuers compearing, but of the defenders only John and William Edzer, and several witnesses having been examined, the Lords assizlie the defenders from the complaint, as the witnesses failed to prove any part of it against them.

Supplication by Patrick, Lord Lindores, as follows:—The Lords of Exchecker have appointed the 3rd of December for dealing with his petition anent the gift purchased from his Majesty of the lordship of Lindores to his hurt and prejudice, and as he cannot come to Edinburgh either to consult his agents or appear before the said Lords on account of some civil horrhings under which he lies, he craves their Lordships' protection. This they grant until 18th December next.

Complaint by James Quhytheid in Currie, as follows:—William Bishop in Currie and Elizabeth Ramsay, his spouse, having put him to the horn for not compearing before the Council to answer to their complaint of his "breaking up of ane hous in Currie perteaning to thame," thereupon purchased letters of caption, by virtue of which about six weeks ago they warded him in the tolbooth of Edinburgh, where he has since remained in great misery. The house, he says, in which he possessed himself as alleged, "is his awne proper heritage," of which his prosecutors are only wadsetters for a small sum of money, and by reason "of ane great spent of water whilk come down upon the hous where he dwelt in the moneth of last and wes lykelic to have drownned him and his familie, he wes forced to enter within the hous foresaid whilk wes waist," and he afterwards agreed with his prosecutors to pay them a certain rent for the same from Whitsunday last to Martinmas now past. But they circumvented him and put him to the horn, and now intend to undo him and his ten children for whom he cannot labour, being thus kept in ward. Both pursuer and defenders compearing and being heard, the Lords ordain James Quhytheid to enact himself to remove himself and his wife and family from the said house at Whitsunday next under a penalty of 1000 marks, and also in a like sum for the safety of the said William Bishop and William Bishop, his son; and they ordain the provost and bailies of Edinburgh to set him at liberty. Follows the Act whereby James Quhytheid obliges himself in terms of the above deliverance.
"The Lords of Secret Counsell, according to ane warrant and direction in writ, signed be the Kings Majestie and this day presented unto thame, gives and grants licence to Doctour William Leslie to return to this kingdom and to remaine within the same and to attend upon the Marques of Huntlie to administer physick unto him, whose judgement in matters of that kynde the said Marques does onelie trust, without paine or danger to be incurred be the said Doctour thairthrow in his person or goods notwithstanding whatesomever acts made in the contrair, whereroanter the saide Lords dispenses be thir presents, provydyng alwayes that the said Doctour William behave himselfe modestlie without giving offence or scandall in matters concerning the religioun, quhairin if he fallyie and after tryell takin thairfoir this present licence to be null and of nane effect thereafter. Followes his Majesties missive for warrant of the Act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas William Leslie, physician to our darrest consort the Quene, wes actit before yow to depart that our kingdom and not to returne thairunto without a particular licence from us, quhairin we doe approve the good order observed by yow, and though he hath beene ane humble suter to us to have licence to returne againe for some tymie to give order for his affaires there, yitt we would not hearken thairunto; but understanding by the late lamentable accident tuicheing the death of the Viscount Melghame, the death conceavied by his father, to whom (as we ar lykewayes informed) the said Mr William doeth administer physick and whose judgement in matters of that nature he doeth onelie trust; and now being willing to omitt no occasioun that lyeth in us to confort him at this tymie, our pleasure is that yow give order that the said Mr William be permitted to stay within that our kingdom till our farther pleasure be knowne, he giving no scandall to the Church bot behaving himselfe modestlie and quyetlie in all matters tuicheing religioun. We bid yow heartilie fareweill. Frome our Court at Whitehall the eight day of November 1630."

"The whilk day Mr William Haig gave in his reasouns and rule for The tax-rollis, regulatig the tax rollis of the taxatious, whilk the Lords after hearing of the parteis interest will take to thair consideratioun and give answere thairunto upon Tuisday nixt."

1 Viscount Melgum was one of those who perished in the burning of Fren draught.
Supplication by Sir John Home of Blacader, Sheriff-principal of Berwick, as follows:—He is troubled daily with charges for the apprehension of Sir James Home of Eckillis “and for not intercommunicating with him, whilk is ane mater verie hard to the said supplicant in respect he is ingadged as causer for him in great soumes of money but can grett no meanes of releafe thairof unless he be warranted to deale with him, seing he is now of intention to dispose upon his estait for that purpose.” He therefore craves that their Lordships will grant him their warrant to intercommune with Sir James Home for some time for this purpose. The Lords grant him liberty to do so till 8th January next.

Supplication by Alexander Leslie, brother to John Leslie, elder of Pitcairle, John Meldrum in Reidhall, Robert Wilsoun in Dykeside of Auchterles, and Robert Kidfurde in Meikle Warthill, as follows:—They are charged at the instance of the Laird of Fendraught to appear for trial before the Justice “for the reasonable burning of the hous of Fendraught,” and they are now come to this burgh and are ready to offer themselves for trial on this charge if their Lordships will secure them against arrest for any other cause. The Lords grant them the protection cried until 20th December next, upon John Leslie, younger of Pitcairle, coming forward and enacting himself to present the suppliants before their Lordships on Tuesday next the 30th instant, under the penalty of 1000 merks each.

Supplication by the provost and bailies of Perth, as follows:—In reference to the Taxation of October 1625 the question was raised whether the uptaking of the inventories of the lent monies of their town pertained to them or to the sheriff, and it has not yet been decided, to the great hindrance of his Majesty's service. The petitioners are very willing to do their duty honestly in the matter, and crave their Lordships' warrant that they may hold courts for the above effect. The Lords grant warrant to the provost and bailies of Perth to hold courts within their tolbooth and take up the inventories of the monies pertaining to the inhabitants of their burgh at the terms of payment of the said taxation, and report the same before 10th January next.

“A letter to the Bishop of Abirdeen containing a copie of his Majesteis letter and the Counsalls ressonis for granting of the licence” (i.e., to Doctor Leslie supra).

“After our verie heartlie commendationes to your good lordship. By a letter which we laitlie receaved from his Majestie (the copie quhairof is heerewith inclosed) your lordship will understand upon what considerable respects his Majestic has beene moved to give licence to Doctor Leslie to returne agane within this kynndome, and how his Majestic hes proceedit with that gracious and tender regardre to the established orders concerning papists that we could not in dewtie refuse to satisfie
his Majesteis princelie command in this particular. The licence is grantit, but with that cautelie and proviison that if the Doctour sall behave himselfe scandalouslie and sall not carie himselfe modestlie and quyetlie in matters tuicheing religioun upon report and tryell to be made of his midsemeauncours in that kynde his licence sall be frome thenceforth declared voide and the orders formerlie prescryved in suche cases sall be followed out agains him with all rigour. Quhariof we have thought good to certify your lordship, no wayes doubting bot your lordship will rest content thairwith and so muche the rather that there is no danger in the preparative, seing the lyke reasons cannot be pretendit by others whiche ar heere urged for him. And so desiring your lordship to acquaint the Bishop of Murrey thairwith we commit your lordship to Gods protection and rests, etc. Halyrudhous 25 Novaembris 1630.

"Most sacred Soverane, Having by our letter of the nynt of September last recommendit unto your royall consideration a petitioun preferred unto us by the Erle of Annerdaill tuicheing some oppressiouns and wrongs alledged committed be Sir Richard Grahaime, knight, and his tennents in violent debarring of the said Erle and his tennents frome the libertie of pasturage upon that parcello of land callit Rollandmore alledged be the said Erle to have beene bruiked be him and his predececors past memorie of man as pertaining to your Majesteis ancient kingdome of Scotland, the redresse quhariof we humbelie recommendit to your Majestie as a nationall bussines and whiche might tend to the disturbance of the publict peace betuix the twa kingdomes, the said Sir Richard upon notice givin to him of this petitioun and of the tennour thariof hes made his addresse hither, and for cleering of himselfe of the alledged oppressiouns and wrongs objected agains him hes by his petitioun offered to submit him selfe thereanent to the jurisdiction of his Majesteis Counsell heere and in the part of right to the judges competent thairto, and his desire wes that the said Erle sould be summoned to compair and insist in the qualificatioun and verifieing of his complaint as by this his inclosed petitioun your Majestie will perceave. Bot becaus we had by our said former letter represented the bussines to your Majestie we thought fitt to forbear all proceeding in the said mater till your Majestie sall signifie your royall will and pleasure thereanent; and in the meanesse we could not refuse to give to the said Sir Richard a testifiacioun of his good and dewtifull careige in making suche a faire offer to have the mater triede before us, lykeas he wes ready and offered to exhibite unto us a covenant under the Clerke of Registers hand betuix the twa kingdomes quhairybe he affirmes the land contraverted to be found to belong to England, whiche in absence of the partei we could not orderlie receave; and whereas both parteis will be at your royall Court we have thought it more fitt to remitt this mater
to your Majesteis royall and excellent directioun than rashlie take upon us that quhilk will not be justifieable be law. And thairfor humblie recommending the gentleman and his justifications to your wounded royall consideratioun we pray, etc. Halyrudhous 25 November 1630.


Sedurunt—Chancellor; President; Privy Seal; Marshall; Win- toun; Linlithgow; Wigtoun; Seafort; Air; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Traquair; Dumblane; Advocate; Sir John Scot; Sir James Baillie.

Charge to John Meldrum of Reidhill and Richard Mouat, servitour to Johne Leslie, younger of Pitcaple, being examined be the Lords of his Majesteis Privie Counsell concerning the burning of the hous of Fendraught, and their depositions being heard and considerit be the saids Lords, they find sufficient ground and caus for detention of the saids persons heere to be furthercummand to their farther trystall and examinatioun hereafter, for whiche purpose the saids Lords ordains the said Johne Meldrum in regarde of his present indisposition to travell to the tolbuith of Edinburgh, be reason of his hurt in the thigh to remaine this night in the hous and companie with George, Erle of Wintoun, till farther order be takin with him; and ordains the said Richard Mouat to be committed to waerd within the tolbuith of Edin- burgh thairin to remaine till he be releaved be the saids Lords."

"The whilk day there wes ane commissioun past in Counsell to the Lord Gordoun, Lord Hay and Lord Desfurde for taking and apprehending of Johne Toshe, maister houshold to the Laird of Fendraught, Thomas Jose, his stewart, Johne Gib, his gardiner, and Robert Biewlie, his cooke, and for exhibition of thame before his Majesteis Counsell to be exam- ined upon suche things as could be demanded of thame concerning the burning of the hous of Fendraught."

[Sedurunt as recorded above.]

Complaint by Andrew Imbrie in Nidrie and Christian Udward, his spouse, servitrix to Colonel Sir Harie Bruce, as follows:—About six years ago they borrowed £36 from Isaac Hamilton, notary, indweller in the Cannogait, by bond, for which accommodation he has exacted from them yearly £8 13s. 4d. of interest "with some other great commoditeis in name of bounteth yeerelle." He has thus exhausted the principal sum, and by this "his unjust dealing in taking threttyene merkes yeerelle for the ten of £ xxxvii lib he hes thairby alluterle wracked the com- plainers with their twa cautioneris and forced thame by horning and
captioun to skail their hous." Parties comparring, the Lords find the dealings of the defender with the pursuers orderly until they shall pay to him and his spouse £44 and the interest thereof since the date of their bond and in time coming till payment in terms of a decreet of the Lords of Session produced, and to the said Lords of Session their Lordships remit the case.

Supplication by Mr. William Moir, Burgess of Aberdene, Mr. John Moir, Burgess there, John Barker in New Aberdene, and John Carter alias Davidsoun there, as follows:—They have been charged at the instance of Alexander Maisoun, indweller at Gordounmyyne, to comppear before the Justice and his deputes on 3rd December next in the Tolbooth of Edinburgh to answer for unlawfully taking and detaining him as a prisoner, but he, perceiving his error in so troubling them, has of his own proper motive by a letter under his hand testified and declared that he was lawfully apprehended by the said John Barker and John Davidsoun, who acted by warrant from Andrew Meldrum, bailie of Aberdeen, and Mr. Alexander Paip, sheriff depute there, and that he was justly imprisoned for not finding law-surety to Janet Rae, mother of the said Mr. William and John Moir, whom he had "a littill before cruelie hurt, woundit and bled"; wherefore he passas from his pursuit of them and discharges them thereof. This letter, dated at Aberdeen, 5th November instant, is produced by the petitioners, who crave that they may be spared the trouble and expense of keeping the said diet. The Lords ordain the Justice, Justice Clerk and their deutes to desert the said diet against the said petitioners.

Supplication by Alexander, Earl of Galloway, as follows:—In July last he raised criminal letters against the Laird of Lochinvar and a number of his friends and others for their intercommuning with William Gordoun of Pennyghame and Archibald McKie, his servant, who are at the horn for the slaughter of Alexander Stewart, a servant of the said Earl. These letters summoned them to answer before the Justice and his deputes in the tolbooth of Edinburgh on 16th July last, but their Lordships were pleased to postpone that diet to 10th December next. The petitioner was resolved to keep this day, "if it had pleased God to have continewed his health; but now he is so visitte with infirmitie and sickenesse that he is not able to travell anywhere frome his hous." He therefore craves the further continuation of the case till some day in January next. The Lords appoint the 26th of January and direct that new caution be taken from "the criminales" for their appearance that day; and that the Earl of Galloway give lawful and timely information of this change to the said Laird of Lochinvar and his friends so as to obviate unnecessary travelling on their part in the matter.

Supplication by the provost and bailies of Hadinton, as follows:—Supplication by the provost and bailies of

Of the taxation granted to his Majesty in October, 1625, they had made timely payment to Mr. John Hay, collector-depute of the said Taxation, Edinburgh.
of the whole four terms’ payment of the ordinary taxation and also of the first term’s payment of the extraordinary taxation, and at the second term of the latter they were ready to make payment of their burgh’s part, but the said Mr. John Hay refused to receive it or any of the remaining terms of the said extraordinary taxation. He now proceeds against them as concealers of money, though the fault of their not paying lay in himself, and they are yet willing to hold courts and take up inventories of the whole moneys pertaining to the inhabitants of their burgh. They therefore crave warrant from the Council for holding of these courts; and this the Lords grant, ordaining the said provost and bailies to report their diligence therein with the inventories before 1st January next.

“The quhilk day young Pitcapele become cautionar for exhinition of his uncle, John Meldrum, etc., upon Thursday next under the pane contenant in the former act.”

“Ordanis Pitcapele to exhibite Richard Mowat, his servand, upon Thursday next.”

_Sederunt_—Chancellor; President; Privy Seal; Wintoun; Linlithgow; Seafort; Bishop of Dunblane; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Tracquier; Secretary; Clerk of Register; Advocate; Sir John Soot; Sir James Baillie.

“Forsameekle as John Meldrum in Reidhall and Richard Mout, servitour to John Leslie, younger of Pitcapele, being examined be the Lords of his Majesteis Privie Counsell upon certane particulars concerning the burning of the houes of Fendraught whitin they have shamefullie varyed and contradicted thameselves in their depositions, necessar it is for the better tryell of the veritie and clearing of the truthe of the saids depositionis that they be confronted with Mr’ Patek Cheyne of , Patrik Leslie, goodman of the Den, William Caddell and John Dunbreck, servitours to , Elespitt Davidstoun, servitrice to Sir George Ogilvie of Bamf, Normand Leslie, Robert Dempster, John Fraser, , John Baron, Yuile and George Leith, which persons can giv be light and evidence for and againis the saids John Meldrum and Richard Mout tuicheing the truth of the depositionis made and affirmed by thame; for whilk purpose ordains letters to be direct charging the saids persons to compeir before the saids Lords upon the twenty-third day of December instant to beir leill and suifast witnessing in so farre as they know and saill be spirirt at thame tuicheing the truthe of the depositionis made be the saids John Meldrum and Richard Mout under the pane of rebellion, etc., with certificatioun, etc.”
The Lords of Secret Counsell for the better cleering and discovery of the burning of the house of Fendraught and circumstances thairof gives and grants libertie and licence to Robert Dempster in repaire to this burgh and there to attend the saids Lords untill the first day of Januar nixt to the effect he may be examined buicheing his knowledge in the mater foresaid, discharging in the meane tyme all shireff, stewartis, bailleis of regaliteis and all others his Majestis officiars of all apprehending, warding or troubling of the said Robert for whateuver deid, caus or occasioun, discharging thame thairof and of thair offices in that part during the space foresaid."

"Forsameekle as it is understand to the Lords of Secret Counsell that there is great appearance of trouble lyke to fall out betuix Patrik Kynnaird of Campsie, on the ane part, and Patrik Inglis of Byres, Patrik, Alexander and Thomas Inglises, his barnis, Robert Alesone in Innermytie, and George Broun at the Myyne of Collace, on the other part, and both the saids partieis lyes at await their advantage of others in high and proud contempt of justice and misregarde of his Majestis auctorite; thairfoir the Lords of Secret Counsell ordains letters to be direct charging the Sheriff of Perth and his deputis to call and convene the persons foresaid before thame with convenient diligence and to putt thame under good band and suretie [to keep] his Majestis peace, ilk ane of thame [torn] . . . . sheriff or his deputis sall prescryve, the persounis refusying . . . . . said caution to take and apprehend and to committ thame to waird . . . . tolbuith of Perth thairin to remaine upon thair awne expenses ay and whill [farther] directioun be givin [towards thair punishment] for thair contempt [and disobediens, as the said shireff and his deputis will answer upon thair obedience."

"Forsameekle as the Lords of his Majestis Privie Counsell, having understood by ane letter direct to thame from the town of Beruck that there is a verie great scarsetie and dearth of victuall within the same, in regarde whairof they have made earnest sute to the saids Lords that they might be permitted to furnishe thameselues with cornes from this kingdome notwithstanding the generall restraint of exportatioun and publicatioun made thairof in the contrair, whiche letter and the desire thairof being heard and considerit be the saids Lords, and remembring the ancient usuall commerce and intercourse whiche hes beene interteame betuix the subjects of this countrie and the inhabitants of the said town of Beruck and in regarde thairof being verie pleased to show thame all cartesie and favour and to helpe and releve thair necessitie in this so exigent a tymie, thairof the Lords of Secret Counsell hes givin and grantit and be the tennour heirof gives and grants full libertie and licence to his Majestis subjects of this kingdome to carie and transport cornes by land directlie to the town of Beruck, and thairwithall arraunds and allows the inhabitants of the said town to repaire to the mercats of.
this kingdome and to buy and transport victuall by land allanerlie, as said is, for their daylie use and interteanement notwithstanding of the former restraint made and published in the contrair, quhereanent the saids Lords for the reasons foresaid by these presents doe dispense; provyding alwayes that the inhabitants of the said towne of Berwick buy not anie great blockes of victuall to be keepe in girnellis and magazens but that the same be whollie employed towards the daylie and necessar releefe of the saids inhabitants, and that they suffer no part nor quantitie of the cornes to be caried to that towne to be transported furth thairof ather by land or watter but that the samine be disposed of to the uses aforesaid and no otherwayes, quhairin if the saids inhabitants sall happin to faillie and contravene the condition of this Act the saids Lords declares that upon report and tryell to be made thairof the favour and indulgence heyrby grantit unto thame will be frome thencefurth recalled and the order formerlie prescyrved sall be followed out and put in executioon conforme to the tenour thairof; and ordains letters to be direct to make publicition of the premises at the mercat croce of Dunce to the effect his Majesteis lieges and others whome it does concernes may be certified thairof in forme as effeiris."

"The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell was presented to the saids Lords and read in their audience, of the whilk the tenour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousins and counsellours."

[Here there is a leaf or two wanting of the Register.]

[Sederunt as recorded above.]

Complaint by John, Lord Arekine, as follows:—At great personal expense he brought into this kingdome a number of strangers, "skilled and expert men in the tanning of ledder to instruct the tanners and barkers of ledder of this kingdome in the right forme of tanning and barking their ledder, how they sall reforme their potts and how they sall dresse and handle their ledder the tyme that the samine lyes in their potts;" and though a great number of the best and most skilful tanners of the kingdom willingly embraced the reformation and are heartily content to receive instruction conforme to the articles set down by their Lordships in the matter, "thair awin experience teaching thame that their former ignorance and abuse was hurtfull to the commoun weale and that the intendit reformatioun imported not onlie thair awin privat weale bot the publict weale of this kingdome; nevertheless, the most rude and ignorant in that trade, as namelie, William Wilsoun in Waltoun, John Weyman in Maigraswod, William Crooke in Sorne, Andrew Gibsoun in Limmerhauche, William Reid in Dallernock, James Alexander in Burne of Neid, William Mure in Crookmure, Mathow
Mure, his sonne, John Hunter in Adamecroft, Robert Nicoll there, George Reid in Hollinebus, John Hunter in Rottinraw, James Mure in Auchinkey, William Mure there, James Mure in Steill, John Crawford in Overtoun, Thomas Cauderoun in Barskimming, John Wallace and William Mure there, Patrick Harvie in Cumnock, William Murdoche there, Mathew Mure in Boghead, Andro Donnald in Cumnock, John Donnald and Richard Aird there, and Richard Key in Killoch, preferring their own ignorance and abuses, interteanned be thame to all good order, policie and gouvernement, and to all instructioun and informatioun," are resolved to oppose this reformation. Hence "they disdaine and refuse to receave anie kynde of instructioun in the said trade and will not suffer their hydes to ly in their potts during the space prescyrved unto thame, but take thame out and presents thame to mercat raw," and thus also they incite others to do the like, so that the reformation established by their Lordships is likely to prove void. Charge having been given to the persons named to appear and answer for their contempt, and the pursuer comparing, but none of the defenders, the Lords ordain them to be put to the horn and escheat.

Supplication by John Meinzeis of Carlinglops as follows:—The bridge of Carlinglops is now become altogether ruines and decayed to the great inconvenience of the lieges journeying from Edinburgh to Bigger, Dumfreis and other parts in the south, "who in the winter and others deepes tymes in the yeere when the water is great ar in great danger of drowning by ryding of the furde, lykeas some have pitifullie drowned thairin and others ar forced at these tymes to ly on this side of the water awaiting the falling of the spait, there being no other passage but by the said water and bridge." The petitioner is not able to uphold and repair the bridge at his own expense, and he therefore craves their commission to appoint collectors and uplift for five years to come the following tolls at the said bridge and ford, viz., of every foot passenger, one penny; of every horseman, two pence; of every horse load of whatsoever commodities, four pence; of every cart load of any kind of goods, eight pence; of every ten sheep, four pence; and of every cow, ox or horse to be sold, four pence; the proceeds to be employed upon the repairing of the said bridge. The Lords grant the commission and warrant as craved.

Supplication by James Mowat, Writer to the Signet, as follows:—Supplication by James Mowat, Writer to the Signet, that he may be freed from ward.
The Lords extend the protection granted to Sir George Home of Manderston, Manderstoun for coming to Edinburgh to pursue certain persons "who had practised aganis his lyfe and estait by witchecraft" until the last day of this instant December.

"Ane missive frome his Majestie for annulling the warrand gevin be the Counsell for suspending the execution of the decreit recoverit be the towne of Edinburgh before the Lordis of Sessioun aganis some of the inhabitantis of Leethe toucheing the girrelling of victuall in Leethe. The Lordis continewis this mater and the satiling of the differenceis betui the saidis pairtyis till Twisday nixt, whairof the pairtyis ar warnit apud acta."

[No record of Sederunt.]

The Lords extend the protection granted to Mr. Matthew Crawfurd, brother to the Laird of Lochnoreis, for his coming to this kingdom and arranging with his creditors until the 25th instant.

Sederunt—Chancellor; President; Privy Seal; Mairshell; Wintoun; Linlithgow; Seafort; Lauerdail; Lord Gordoun; Lord Melvill; Lord Carnegie; Bishop of Dumblane; Secretary; Clerk Register; Advocate; Sir John Scott; Sir James Baillie.

Supplication by Sir Robert Ker of Ancrum, servitor to his Majesty, as follows:—He has been employed by Robert, Earl of Somercot, to negotiate with Andrew, Lord Jedburgh, for preserving the standing of his house of which the said Earl is a cadet, and for the welfare of which he is desirous to contribute his best efforts by the sale of some portions of the said Lord’s lands; but being under some onerous Lord Jedburgh cannot come to Edinburgh for the necessary consultations with advocates about this business, and it is therefore likely to come to nought. He therefore craves a protection for the said Lord Jedburgh, and this the Lords grant till first March next.

Supplication by Sir David Livingstone of Donypace and his eldest son, as follows:—For relieving of the great burden of debt under which they lie they desire to sell some of their lands, and have entered into treaty with some gentlemen to that effect, but must advise with lawyers in Edinburgh before the securities can be drawn, and their creditors be satisfied. They therefore crave their Lordships’ protection to come to Edinburgh for this purpose, which the Lords grant till 28th December instant.

Supplication by Thomas Meldrum of Iden and Mr. William Meldrum, his son, as follows:—They have found caution to appear before the Justice upon the 10th instant to answer the charge of burning the tower of Fendraucht, and they crave the protection of the Lords so that
while they are in Edinburgh for this purpose they may not be liable to arrest on any other charge. This the Lords grant till 21st instant.

Supplication by Alexander Aikenhead, Burgess of Edinburgh, as follows:—For the past eleven years he has been distressed as cauHtioneer for the deceased Cuthbert Borthwick and by advancing great sums of money to the Lady Borthwick, which she and Lord Borthwick, her hus-

band, have converted to their own use, and regarding which he can obtain no redress, he is utterly wrecked. Lady Borthwick now denies the debt, and she and Mark Ker, her brother, use all means to frustrate his getting payment and so satisfying his creditors, whom he is most willing to satisfy if he could but get his own. For this purpose he has several actions depending before the Lords of Session against the said Lady Borthwick and her brother, and he craves their Lordships' protection that "he may attend the ending of his actions." This the Lords grant until 22nd December instant.

"The Lords continuise the answering of his Majesteis letter toucheing the resinding of the act anent the staying the executing of the Lords of Session's deciet for staying the girmelling of victuall in Leethe, and the satling of the differencis betuix the town of Edinburgh and the inhabitantis of Leethe untill Thrusday nixt; and in the mean tymhe the Lords advyses the inhabitantis of Leethe, of whom a grit number wer present, to goe the morne to the town counsell of Edinburgh and to intreate for their courtesie and favir in the executioun of suche decreitis as the town hes recoverit agains thame, and whiche the inhabitantis of Leethe in course of justice can not gett declynnit."

"The quhilck day M'r Thomas Mitchell, minister at Turreff, produceit to the Lordis a missive letter direct to thame frome the Bishop of Abirk-\ndene togidder with a roll of the papistis and excommunicat rebellis in the north who haveinge found cautioniou or actit thame selfis ather to conforme or depairt furth of the cuntrey halfe gevin no obedience rather to the one nor the other, bot levis at home without controlmient; which being red, hard and considderit be the Lordis, they ordane the pairtyis transgressouris to be callit to thair anser to heir and see thame decernit to haff incurit the penaltys; and ordanis letters to be direct with consent of the Lord Gordoun, who was personalie present, for arresting of the saidis rebellis, thair goodis and geare to his Majesteis use. And sicyke ordanis letters to be direct chargeing the Marques of Huntlie to exhibite suche of his tennentis for whome he is anseruable, and that the excommunicat wyffis and their husbandis be chargeit befor the Counsell to anser upon the ressett of jesuitis and transgressing divers his Majesteis Actis of Parliament."

"The quhilck day the Laird of Banff, compeirand personalie befor the Lordis, actit himself as cauHtioneer and souertie for James Clerk, James Tohe and Thomas Joise, servitouris to Frendraught, that they sall remayne within the burgh of Edinburgh and the Cannogait and not
the burning of Frendraught.

remove without licence of the Counsell, and in the meane tyme that they sall compeir befoir the Counsell sa oft as they salbe chargit, ilk persone under the pane of ane thousand merkis."

"The quhilk day the Earle of Seafort produceit the rentall of the Lewis and offers the same to the consideratioun of the table. Continewis the resolucioun till Thursiday nixt."

[The beginning of this Sederunt is wanting.]

Anent the dispute between Edinburgh and Leith.

"... [torn] ... to suspend the decree givin by the Sessioun in favour [of the town of] Edinburgh against some of the inhabitants of Leith and ... Majestie doth not doubt bot that we had some considerations moving us thereunto; so your Majestie hes required us to take a course that everie judicatorie may be preserved in the owne integritie and that the said Act of Suspensioun may be made ineffectual, that your Majesteis lawes may have a free course and the said burgh may enjoy its owne libertie.

"For answere, May it please your most sacred Majestie be informed that as we cannot bot in all humiliet rander unto your Majestie most humble and heartie thanks for your Majesteis so good and gratious opinion of the justice of our proceedings in the said bussines, so we have thought our selfses bound in dewtie and in obedience of your Majesteis said letter (after serious consultatioun and often hearing of the saids parteis) to rescind the said act of suspensioun of the said decret of Sessioun in all things whatsoever except in the mater of gURNELLING of victuall, whiche being a mater so highlie importing and concerning the whole bodie of this kingdome and the publict good of the State we cannot as yitt bot thinke it fitt to be preferred before all privat respects whatsoever, and thairfor we doe in all submissive manner most humblelie beseeche your Majestie not to misconstrue our faithfull and just proceedings in suspending as yitt the executioun of the said decree of Sessioun so farre as the same can be extended to the said mater of gurnellting whiche in our opinions can not in equitie be challenged as a peculiar priviledge proper unto anie particular burgh without ane eminent prejudice to the State in generall and a particular hurt of a great number of the nobilitie and gentrie and uthers who have often greevouslie compleanned thairof and upon whosClaimours we wer speciallie induced (in point of State properlie belonging to the jurisdictioun of your Majesteis Counsell) to grant the said suspensioun, as by our Act then made and heerewith sent unto your Majestie more at large may appeare. So having left the said burgh of Edinburgh to the full fruitions of all their uther lawfull liberties and priviledges and having recommendit the wished agreement betweene the said burgh and the toun of Leith, we humbelle take our leaves, and with our heartiest prayers for your Majesteis long and happie reigne we sall ever rest, etc., 23 [sic] December,
1630.

CHARLES I.

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Acts July 1629.
December
1630.


"Anent the supplication presentit to the Lords of Privie Counsell be James, Erle of Abercorne, makand mentiou that where he hath beene thir diverse yeeres bygane, as is notour to the saids Lords, out of the kingdome, quhairthrow his affaires hees beene farre neglected, and he being now returned and come home he is upon a course not onelie to sattle the affaires of his house bot to see the provisionis left be his umquhill father to his childrene, his brether and sisters, to be secured unto thame, in the whilk bussines he can make no progress without the presence of the Countesse of Abercorne, his mother, who being left executrice be his father, and since his decease, she having had the full administratioun, disposing and ordouring of all the affaires and bussines, hous and of the provisionis left to his brother and sisters, her presence and concurse to the sattling of thir maters is so important and necessar as without the same there can be nothing done; and forder in the orderlie disposing of thir maters they must have the advice and . . . . [torn] . . . . who upon noe conditions will goe frome this burghe to . . . . . . . a mother remains; humbelie desyryng thairfor the saids [Lords to give] and grant unto the Countesse of Abercorne, his mother, ane licence [to re]sort and repare to this burghe and to remane heere for sattling thir maters for suche ane space as the saids Lords please appoint, lykeas at mair lenth is conteanit in the said supplication. Qhillk being read, heard and considerit by the saids Lords, and they weil advised thairwith, the Lords of Secret Counsell gives and grants libertie and licence to the said Countesse of Abercorne to resort and repaire to the burghe of Edinburgh and thairin to remane within her awne lodging for sattling of thir maters until the second day of Februarie nixt, she first finding caution and souerttie actit in the booke of Secret Counsell that during her abode within the burghe of Edinburgh shee conteane her selfe within her lodging, that shee sall behave hersefle modestlie without giving offence or scandall to the Kirk, that she sall admitter and heare conference with the ministrie, that she sall not heare messe, ressett jesuits nor preists, nor intercommoun with thame, and that at the expyring of this licence and warrand she sall returne backe againe to Duntarvie and there remane upon the conditions specified and conteanit in her act of cautiou bearing dait at Halyrudhous the 28 day of Apryle last under the pane of fyve thousand merkes."

"Anent the supplication presentit to the Lords of Secret Counsell be Marjorie Garloch in Claymyres, makand mentiou that where it is not unknowne to the saids Lords what heevie trouble and distress she has susteane by her long imprisonment for her not conformitie to the religioun profest within this kingdome, she being ane poore, aged, decrepit woman, having little or nothing whairupon to detene [sic] her
her finding
cautions to
leave the
country.

selfe in waird; and seing she is content to find cautio[n] either to conforme or to remove out of the country betuix and suche tyme in the Spring season as the saids Lords sall allow and under suche panes as the Lords sall please modifie, humbelie desyning thairfo[r] the saids Lords to reeceve her cautio[n] for performance of the premises, and the same being found, to give warrand to the provest and bailie[ls] of Aberdein to put her to libertie and freedome furth of thair tolbuith to the effect she may prepare her selfe of meanes by the benevolence of her freinds for defraying of the charges of her transport and remaining beyond sea, lykeas at mair lenth is conteanit in the said supplication. Qhibik being read and heard in presence of the saids Lords and they considering the said supplicant her great age, povertie and long imprisonment, and in regard thairfo[r] being willing to grant her all lawfull favour that may stand with the order prescryvd in caises of the lyke nature, thairfo[r] the Lords of Secreit Counsell recommends to the consideratioun of the Bishop of Aberdein the desyre of the supplicatioun abonewrittin and thairwithall remitts to his lordship the order taking with the said supplicant anent the terme to be prefixed be him to her for her removal and departure furth of his Majestie dominions, the sufficience of the cautio[n] to be found be her for that effect and of the panes thairin to be conteanit, and the said cautio[n] being so found be her, ordains the provest and bailie[ls] of Aberdein to put the said supplicant to libertie and freedome furth of thair tolbuith and to suffer her pas where she please, quheresain the extract of this act sall be unto the said Bishop of Aberdein [and to the provest] and bailie[ls] of Aberdein ano sufficient warrand and com . . . ."

"The Lords of Secreit Counsell upon good and considerable respects ordains and commands his Majestie Justice, Justice Clerk and their deputis, to continew the dyet appointed to certane persons for their compeirance before thame the tent of this instant to underly the law for thair reasonable raising of fire and burning of the hou[s] of Fendraucht thairwith in the moneth of October last untill the twenty-an[e] day of Januarie nixto come, the saids parteis finding cautio[n] for thair compeirance that day conforme to the order."

Sederunt—Chancellor; President; Privy Seal; Mairshell; Winton; Linlithgow; Wigtoun; Lauderdaill; Seafor[t]; Bishop of Dumblane; Lord Gordon; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Traquair; Secretary; Clerk Register; Advocate; Sir James Baillie.

Complaint by Robert Mc[Cl]e[ll]ane, son to the deceased Thomas Mc[Cl]e[l]ane, called of Minto, and executor descent to him, and Edward Maxwell of Balmangane, his tutor dative, for his interest, as follows:—On 21st December, 1627, Robert Mc[Cl]e[l]ane of Minto was put to the horn at
complainant's instance for not paying to him 3000 merks of principal, 500 merks of expenses, and a further sum of £100, but to this horning he pays no heed. Charge having been given to the said defender and he failing to compear, the Lords ordain letters of caption to be issued charging the Steward of Kirkcudbright and his deputys to arrest him, and seize his houses and goods.

Complaint by James Watson, servitor to William, Earl of Angus, as follows:—On 27th November last James Lumisdin in Over Morvington, John Lumisdin, his brother, Samuel Nisbitt in Paxtoun, and John Nisbitt in Foulden, fiercely assailed him on the highway as he was conveying eight bolls of beir to Morvington, and with their drawn swords wounded him on the left arm to the effusion of his blood, violently took from him the said beir and carried it away with them. These persons being charged and not compearing, and the pursuers appearing by Sir James Dowglas, brother to the said Earl of Angus, as their procurator, the Lords ordain the said defenders to be denounced rebels.

"The Lordis after goode advise and deliberation haif for obedience of his Majestis letter rescindit the Act of Counsell maid for suspending the decreit of the Lordis of Session recoverit the town of Edinburgh anagis certane inhabitantis of Leethe in the wholl pointis thairof except for the girelling of victuall, whiche being a mater of State concerning the whole liegis in the consequence and example, notwithstanding the decreit be onlie recoverit anagis three personis of Leethe; and the Lordis ordainis the execution of the said decreit insofar as the same can be extendit to the girelling of victuall to stand still suspendit conforme to the Act of Counsell maid thairanent of befoir, and allowis the provest and bailieis of Edinburgh to caus putt their decreit to executioun in the whole remanent pointis thairin contenit conforme to the tennour thairof, the girelling of victuall being always exceptit and reserved, as said is, and this in respect of the town of Edinburghis refusall to act thame-selfis not to proced thairin without allowance of the Counsell, being a publict mater."

Sedunt— Chancellor; President; Privy Seal; Mairshell; Wintoun; Holywood House, 9th December 1630. Linlithgow; Wigtoun; Seafort; Launderaill; Dumblane; Lord Holywood House, 9th December 1630. Gordoun; Lord Melvill; Lord Carnegie; Lord Traquair; Master of Elphinstoun; Secretary; Clerk of Register; Advocate; Sir James Baillie.

"Forsameekele as albeit there hes beene diverse Acts of Secret Counsell and Acts of Parliament following thairupon made be our lait soverane lord of eternall and famous memorie anagis the counterfoote thewees and the lymmaris, callit the Egyptians, whoirby it is ordainit that if anie of the saids vagabond lymmars and thewees, als weill men as weemen, sould be found within this kingdome or anie part thairof after the terme prefixt
unto thame for thair departure qhilk now manie yeeres since is expyre
and out run that it could be leasome to all his Majestis good subjects
to caus take, apprehend, imprison and execute to the death the saids
Egyptians, als weill men as weomen, as common, notorious and con-
demned theefes be ane assise onelie to be tryed that they ar callit,
knowne, repute and haldin Egyptians, as the saids Acts conteaning ane
expresse prohibition and discharge that nane of his Majestis subjects
sould ressett, supplie or interteanie anie of the saids vagabound theefes
and lymmars, callit Egyptians, ather men or weomen, after the expyryng
of the terme appointed for thair departing furth of this kingdome under
the pane of confiscaticun of all thair moveable goods and forder punishing
of thame in thair persons in maner specified in the saids Acts at lenth
beiris; notwithstanding whairof it is of truthe, as the Lords of Secret
Counsell ar informed, that there is ane great number of thir counterfoote
vagabounds in the north parts of this kingdome and they goe aorth
the countrie in troupes and companeis armed with unlawfull and invasive
armour, and where they may be masters they extort frome his Majestis
good subjects, who ar not able to resist thame, suche things as they stand
in neid of, threatening the refusears with all kynde of extremitie and
violence, so as they ar become ane unsupported burdein to the countrie,/
and his Majestis judges and oficiars of the countrie and the noblemen,
barons and gentlemen who ar of power and strengt to apprehend thir
vagabond lymmars ar become so remisse and carelessse of thair honnours,
credite and dewtie in this point as they connive at the behaviour and
cariage of thir lymmars and suffers thame without controlment to sorne
and oppresse the countrie at thair pleasure, bighlie to his Majestis con-
tempt and misregard of law and justice. Thairfoir the Lords of Secret
Counsell ordains letters to be direct to command and charge all and
sindrie his Majestis sherrifs, judges and magistrats, and all noblemen,
barons and gentlemen and others his Majestis subjects being of power
within or neir to whois bounds thir vagabound and counterfoote theefes
and lymmars haunts and repaires to searche, seeke, hunt, follow and
persew thame, and to take and apprehend thame, and to committ thame
to warid and to execute his Majestis lawes aganis thame as commoun,
notorious and condemned theefes in maner specifieit in the saids acts
and under the panes mentioned thairintill, and under the pane to be
callit, persewed and punished and fyned at the discretion of his Majestis
Counsell, the ane halfe of qhilk fynes sal be givin to the delatour and
informer aganis thame; certifeing alsua all and sindrie his Majestis
subjects who sal ressett, supplie or interteanie anie of the saids vaga-
bound theefes and lymmars, men or weomen, that they sal be lykewayes
callit and convenerno before his Majestis Counsell and sal be censured
and fyned accordinglie, the ane halfe of qhilk fynes sal be givin to
the informer and delatour.”
Forsameeke as in the subsynod in the Colledge of Auld Aberdein upon the auctein d. the brethren of the ministrie convenessed there for the tymen accord[ing to ane] act of the diocesan assembly of Aberdein made upon the twentie one day of October last having tane to their considering the great profanation of the Lords day occasioned within the bounds of the diocese of Aberdein by keeping of mercats upon the ordinarie and accustomed dayes of the faires underwrittin, whilk oft tymes fell out according to the usuall changes in the yeere to be in one or other of the saids faire dayes upon the Sunday, they have thairfor thought fitt that the ordinarie dayes of the saids faires and mercats sall be changed in maner underwrittin, that is to say—St Serfes faire, whilk had its beginning upon the 23 of Junij yeerlie, to be changed to the last Tuesday of the said moneth; St James faire, whilk wes in use to sitt doun upon the 23 of Julij yeerlie, to be altered to the penult Tuesday of the said moneth; Lammasse faire, whilk wes in use to sitt doun upon the 27 day of Julij, to be altered to the last Tuesday of the same moneth; Laurence faire in Rayne, whilk wes in use to sitt doun upon the first of August, to be altered to the first Tuesday of the said moneth of August; Laurence faire in the Mearnes, whilk wes in use to begin upon the aucth day of August, to be altered to the second Tuesday of the said moneth; Marimes faire, being in use before to begin upon the fourtene of August, to be altered to the second Tuesday of the said moneth; Bartilmewe faire, quhilk hes had its beginning about the 24 of August, to be altered to the last Tuesday of the said moneth; St Makruis far, whilk had its beginning upon the 27 of August, to be altered to the first Tuesday of September; Michael faire, whilk hes had its beginning upon the 28 of September, to be altered to the last Tuesday of the said moneth; Cowin fair, quhilk hes had its beginning upon the seventy of October, to be altered to the first Tuesday of the said moneth; Trewel fair, quhilk hes had its beginning upon the 14 day of the said moneth of October, to be altered to the second Tuesday of the same moneth; Hallow fair to begin the last Tuesday of October; Martimes faire, quhilk hes had its beginning about the fyft day of November, to be altered to the first Tuesday of the same moneth; Bryak faire, quhilk hes had its beginning upon the precise Tuesday after Martimes, to continew; Andirsmesse faire, quhilk had its beginning about the 28 of November, to be changit to the last Tuesday of the same moneth; Dustan fair to begin ever on the second Tuesday of December; Ashe Wednesday faire, quhilk had its beginning on Tuesday being Fastings Even night, thairfor to be confirmed; Mid Lentron faire, quhilk hes had its beginning ever before on Fryday be Mid lentrone, to be altered to the Thursday before; Skeirthurdayes faire, quhilk hes its beginning ever on Wednesday before Pasche, to be confirmed; Donald faire quhilk hes the beginning upon the saxtene of Apryle, to be
altered to the second Tuisday of the said moneth; and Ruid faire, Acts July 1629-December 1630. quhilk hes its beginning on the second of May, to be changed to the first Tuisday of the said moneth; as the Act of the said sub-synod made to this effect conteaning ane directionn for appointing some commissioners to supplicat the Lords’ Privie Counsell to interpone thair auctoritie to the course and order foresaid anent the tyme of the saids mercats as they ar formerlie designed that thereafter the sacred day of the Lords worship be not profanned as hes beene in tymes bypass at lenthe beirs. Quhilk act being read, heard, and considderit be the saids Lords, and they finding the course prescryvd thairin for keeping of the mercats upon the dayes particularlie abonewrittin to be weele and orderlie done for restranng [sic] of the Lords day, thairfor the saids Lords hes ratified, allowed and approvin, and be the tennour heirof ratifes, allowes and approves the act foresaid of the said sub-synod of Aberdene, tuicheing the change of the mercats and faires foresaid to the particular dayes abone specifeit mentionned in the said act, in all and sindrie points, clauses and articles thairof; and the saids Lords hes interpouned thair auctoritie thairto, and ordains the mercats and faires abone mentionned to be kypped upon the dayes respective sett don and prescryvd be the said act conforme to the tennour thairof in all points, and ordains the said act to be putt to dew and full executioun in all tyme coming; for quhilk purpose ordains letters to be direct . . . . . . to pass Fol. 270, a and make publicatyon heirof be opin proclam[atioun at all places neidfull] whairthrow nane pretend ignorance of the same, and to com[mant . . . . . ] all and sindrie his Majesteis lieges and subjects that nane of [thame presomme] nor take upon hand to kepe the mercats and faires upon the dayes formerlie accustomed for keeping the same, bot to kepe the saids mercats and faires upon the dayes now appointed and prescryvd be this present act and ordinance as they and everie ane of thame will answere upon the contrarie at their highest perrill.”

“The whilk day in presence of the Lords of Secreit Counsell compeird personallie Johne Gordoun of Lochinvar and become actit and ibleist as cautioner and soueritie for Johne Gordoun of Auchlane that Patrik Ahannay of Kirkdaill, his wife, barnes, men, tennents and servants, sall be harmelesse and skaithlesse in thair bodeis, lands, rounes, possessiouns, goods and geir, and in no wayes to be troubled nor molested thairin be the said Johne Gordoun of Auchlane, nor no others of his causin, sending, hounding out, command, ressett, assistance nor ratehabitien, whome he may stoppe or latt, directlie nor indirectlie, in tyme comming, utherwayses nor be order of law and justice, under the pane of ane thousand merks.”

[Sederunt as recorded above.]
Advocate, for his Majesty’s interest, and Patrick Hannay of Kirkdaill, Gilbert McSkellie in Flacharrie and James McBirnie there, his servants, as follows:—Although the bearing of hagbuts and pistols has been often prohibited, yet when the said Patrick Hannay after obtaining a decree of the Lords of Session against Patrick McClellane in Glenturke and certain others for payment of certain sums of money, caused Patrick Galbraith, messenger, proceed (in terms of letters of poinding and appraising dated 17th September last) to the lands of Glenturke in the sheriffdom of Wigtown, and poind nine oxen, which the said messenger took to the market cross of Wigtoun and offered for the sums for which they were appraised, and when no offer was made for them, delivered them to the complainer in part payment of his debt, who thereupon took them home to his lands of Clacharrie and inclosed them in folds, Thomas McClellane in Kirkcudbright, brother’s son to the Laird of Bombie, and a number of accomplices armed with swords, jacks, and other weapons and the forbidden hagbuts and pistols, came under silence of night to the said folds and violently carried off the said oxen. Moreover, they daily wear the said prohibited weapons and shoot at the complainer’s tame doves therewith, striving to stir him up to the doing of something lawless, but which he forbears from his respect to law and justice and trusting that his Majesty’s Council will provide for the quiet of the country and not suffer such disorders to pass unpunished. The pursuers complaining, but not the defender, the Lords ordain the said Thomas McClellane to be denounced.

Complaint by James Crichtoun of Fendraught, as follows:—Several Acts were made by the late King James against “the perturbers of the kirk in tyme of divine service, especiallie ane Act made in his Majesteis Elevint Parliament cap. 27, whairby it is statute and ordained that quhatsomever persoun or persons sall happin heerafter to perturbe the order of the kirk in tyme of divine service or make anie tumult, rais anie fray ather in kirk or kirkyard, whairthrow the people than conveennd sall happin to be disquyetted, troubled or disperst, that everie suche persoun sall be seerelelie punished in maner speecefait in the said Act.” Yet when on 12th December instant, being Sunday, the complainer went to the kirk, called the Little Kirk, in Edinburgh for hearing the sermon, and was sitting quietly and peaceably in the church, “Johne, Bishop of the Yles, comming to the Kirk and perceaving where the compleiner was sitting he makes his addresse directlie towards him and with ane angrie and boasteous countenance when as the compleiner made him way to goe by him he most despitefullie lifted his nieff thinking with his whole force to have strickin the compleiner on the head, but missing his head he dang aff his hatt in the publick view and sight of the haille people conveennd in the Kirk, who with great greefe recented the scandalous profanatioun of their kirk upon the Lords holie Sabboth and after such ane shamefull maner as hes not beene usuall in
anie of the kирks of Edinburgh." The complainer, however, took with
the affront, persuading himself that the Lords would take exemplary
order with such an outrage. Both parties compearing and they and
witnesses having been heard, the Lords find "That the said defender
being going along the loft to his ordinairie place and being straited in
his passage where the persewer satt, and apprehending that the persewer
had of purpose stopped him in his way, the said defender out of his incon-
siderat passioun did cast aff the persewer's hatt." In this he has com-
mitted a very great offence and scandal, but the defender being "ane
ecclesiastic persoun," they remit the censure and punishment of his
fault to the Archbishop of St. Andrewes and others of the High Com-
mission.

Counter complaint by John, Bishop of the Yles, against the Laird of
Fendraucht, as follows:—"Upon Sunday last he having according to his
usual maner addrest himselfe to the kirk of Edinburgh for hearing the
preaching and going in to his seate where ordinarilie he sitts, and a
number of gentlemen of good ranke and qualitie being sitting betuix
the entrie and his seate they all suffered him peaceable to goe by thame, and
the Laird of Fendraucht amongs others being there, how soone the com-
pleaner come neere to him, he with ane angrie countenance refused him
passage by him, closed the passage with his feit so as there wes no
possibilitie to goe by him, and by his indiscreit behaviour" did what in
him lay to cause disorder in the kirk, which the complainer "patientlie
prevented reserving to the saids Lords the censuring of this offence as
they sall thinke meit." Both parties compearing, and they and witnesses
being heard, the Lords assiszie the defender, as the complainer failed to
prove any part of his complaint.

Supplication by Sir Alexander Hamilton of Bancreiff, as follows:—Sir
Patrick Hepburne of Wauchtoun as principal, and the Laird of Smetoun
Hepburne and Sir Robert Hepburne of Alderstoun, as cautioners, are
obliged to pay to the petitioner by their bond an annual rent of 1900
merks, "without anie condition of ane principal soume (whilk deis with
himselfe)." He had consulted his agents as to whether this annual rent,
wanting a stock, was liable to the taxation, and was informed that it
was not, and therefore he neglected to give it up. He is loath, however,
to leave the matter merely upon the opinion of his advocates, which
might unnecessarily draw him into danger, and so he craves that their
Lordships will declare their judgment in the matter, and if they find it
liable to taxation that they will grant their warrant to him to give up
the same yet in inventory and pay thereupon. The Lords find that this
annualrent is not of the nature of those subject to the taxation, and
exoner the petitioner from all payment of taxation therefor in time
coming.

Supplication by Sir Hew Wallace of Craigie, as follows:—He has sur-
rendered in his Majesty's hands ad perpetuum remanentiam the bailiary
of Kyle and regality of Newtown, for which he is to receive from the Exchequer £20,000. This sum he has destined for relieving and paying off his debts, and desires to prosecute this business but cannot on account of some hoardings under which he lies. He therefore craves their Lordships' protection, and this they grant till 15th January next.

The Lords extend the protection formerly granted to Patrick, Lord Lundores, for his safely attending the Lords of Exchequer about the passing of a security of the lordship of Lundores until 14th January next, as the matter has not yet been discussed.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and George Gordon of Newtown, and George Dempster, his servitor, as follows:—Notwithstanding the laws prohibiting wearing of hagbutts and pistols, convoyation of the lieges in arms and challenges to the single combat, John Leith of Harthill, “ane commoun tuilyn and turbulent persoun,” who has been often punished for his insolencies by the Council, and put under caution in £5000 to keep the peace, yet continues in his lawless courses. On the 13th December, “being Witsunday and the Lords Sabbath,” when Leith knew that the said John Gordoun was at home in his house of Newtown, “he associat unto himselfe George Leith of Threesfield, and Adame Abircormbie of Aldrayne who hores thamselfes with great lances in thair bands and assembled togidder the number of threescore persouns or thereby all boddin in feare of warre with swords, Jedburgh staffes,” and other weapons, including hagbutts and pistols, “with whome they come galloping in ane tumultuous and furious maner to the compleanners said place of Newtown and without respect to the Lord's day brasched up the yetts of his said hous and cried to the compleanner, ‘Come out, feele pultroun, and breake a speir,' otherways they threatened to his forder shame to runne at the glove on his greene; and with that the said John Leith lighted off his hors and sett up a glove whereat he being about to rin, the said George Dempster come furth and declared to thame, as the truthe wes, that his maister wes not at home; quhairupon he fiercelie presered the said George of his lyfe, ranne him throw the breaches with ane speir, strake him with the butt hair of diverse great strakes on the head, wounded him on diverse parts of his bodie and namelie on the right hand to the effusion of his blood, and thereafter the said John Leith verie barbarouslie and inhumanelie overraid the said George Gordouns nurse with ane barne of three or four yeere old in her hand, quhairby the young barne wes so affrighted that for the space of twa moneths thereafter he wes distracted in his witts. And not content heirwith the saids John and George Leiths and Adame Abircrobmbie raid in a furious maner with drawn swords in their hands throw the compleanners growing cornes crying, 'Feeble pultroun, come out if thou darre,' with diverse others disgracefull speeches.” For this the complainers cited these three persons to answer before the Council, and the complainer came at great expense to keep the diet, but they fearing
punishment obtained the mediation of several gentlemen, who persuaded the complainers to pass from the charge, as the persons accused had promised to behave more peaceably in future. Though the complainer willingly complied, yet as soon as he came home, on 3d September last the said John and George Leith sent Captain John Forbes, otherwise called Captain Tulloch, to his house, who got him to come forth to his parkes and there told him he had come with commission from George Leith of Threefeild "to offer him the combat," and to appoint time and place of meeting. On the complainer declining he delivered the like commission from the said John Leith, and this being also refused, they daily lie in wait for him to take his life. Parties being cited, and pursuers comparing, also Adam Abircombie and George Leith, defenders, John Leith being represented by the said Adam, who produced a certificate from Dr. William Johnestoun that the said John was "heavilie visite with sickenesse," and Captain Forbes not comparing, witnesses were heard and also the parties, whereupon the Lords find that the said George Leith challenged the said George Gordoun to the combat, and has carried a pistol since harvest last, and commit him to ward in the tolbooth of Edinburgh until he pay a fine of £40 to the Treasurer, etc. They assosilzie Adam Abircommie; ordain Captain Forbes to be put to the horn; and direct George Leith and Adam Abircombie to restore to George Dempster his hagbut, pistol, and whinger.

Follows an Act of Caution by Adam Abircombie of Auldrayne in 500 merks that George Leith of Threefeild will not bear hagbut nor pistols in time coming.

"Patrik Ahanna of Kirkdaill and Johne Gordoun of Auchlene and his goodesone ordanit to find lawsouirtie hine inde ather of thame under the pane of ane thousand merks."

"The qhillik day the Lord Chancellour deluyerit to the Earle of Carrik a patent under the grite seale quhairyb his Majestie hes maid the said Earle and the airis maill gottin of his awne bodie Earlis of Carrik; qhillik patent the said Earle reverentlie accepted upoun his knees; and the Lordis ordanis the said Earle to haif the extract of the first Act anent the productionn of the said patent, and ordanis the said Earle to haif his place and precedencye accordinglie."

"A proclamatiou nagnis James Grant and some of his complices, setting fyve thousand merkis upoun his heade to ony persone that will tak and exhibite him alyve and fallyeing thairof his heade; with a free pardoun for all bigane crymes, treasoun aganis his Majestie and the burning of Frendraught:"

"After our verie heartilie commendationis to your good Lordship. We have heard and examined M' George Sempill and Agnes Boyd who hes avowed upon him that she had learned fromm him her practises of charming whereanent (as the said M' George allegdes), he being confronted

₁ Thus it stands in the Register, but evidently the word "exceptit" is omitted.
with her in the Tolbuith of Glasgow, she resiled fra her depositiou and 
denied the same to be of veritie whiche point being contraverted betuix 
thame we have thought good to recommend to your lordships care the 
tryell and examinatioun of quhat past or occurred in that bussines the 
tyme foresaid and thairwithall to remitt unto your lordship to take 
such order as your lordship shall thinke fitt for delyverie to be made 
to the said M' George of a band of ten thousand merkes grantit be him 
and delyvered to the Laird of Mynto for his appearance to his tryell 
and examinatioun; and becaus the said Agnes is onelie indytted and 
convict of points of charmeing whiche, however, in the strict rigour and 
course of justice will be punished be death, yitt we have thought good 
to dispense with the rigour of law and rather to consult your lordship 
quhat punishment your lordship sall thinke fitt to be inflicted upon her 
answerable to the nature and qualitie of her offence. Quhairaren 
desireing to be certified fra your lordship and expecting your lordship 
will take that course and order in the remanent points whiche to your 
lordships care is heriby recommendit we commit your lordship to 
God. Frome Halyrudhous 14 December 1630. Subscribeitur, Geo: 
Cancell., Monteth, Hadinton, Wintoun, Linlithgow, Wigtoun, Seafort, 
Gordoun."

Sedent.——Chancellor; Treasurer; Privy Seal; Wintoun; Linlith-
gow; Wigtoun; Seafort; Lauderdaill; Bishop of Dumblane; 
Lord Gordoun; Lord Carnegie; Lord Melvill; Master of Elphin-
stoun; Secretary; Clerk of Register; Advocate; Justice Clerk; 
Sir James Baillie.

"Forsamekle as among the manie treasonable crymes and offences 
committed be the tratour, James Grant, and his complices they come to 
the dwelling-hous of M' Robert Udnie, forciblie entered in his hous 
abused him and his familie, threatened thame of thair lyves and reft 
frome the honest man aucth thowsand merkes of money and hee thairby 
drawin him to great miserie, and thairfoir the Lords of Secret Counsell 
out of pitie and compassioun of the poore mans estate ordains be thir 
presents that the fynes to be imposed upon the ressetters and inter-
commouners with the said tratour, James Grant, and his complices for 
that caus sall be applied to the satisfacioun of the loose susteannit be 
the said M' Robert by the violent receffe frome him of the saids aucth 
thowsand merkes."

"The Lords of Secret Counsell gives and grants commisioun and 
warraund to William, Erle of Monteth, president of the Privie Counsell; 
Thomas, Erle of Hadinton, Lord Privie Seale; George, Erle of Wintoun; 
Alexander, Erle of Linlithgow; Johne, Erle of Wigtoun; Coline, 
Margaret Tod, Erle of Seafor; Johne, Erle of Lauderdaill; Adame, Bishop of 
Dumblane; George, Lord Gordoun; David, Lord Carnegie; Sir Thomas
Hope, his Majesteis Advocat; and Sir George Elphinston, Justice Clerk, not excluding anie others of the Counsell, togidder with the Justice Depute, to conveene the morne at nyne of the cloack in the laich Counsellous and to call before thame Margaret Wod, prisoner in the tolbuith of Ediburgh, and to examine and demand her who did seduce her to make the depositions whilk she has confess to be false, and as they sall find occasiouin to put her to some slight and spaire tortour for the better tryell and discoverie of the truthe of the mater."

"The Lords allowes Mr. John Horne and James Clerk, chamberlans to Fendraucht, to goe home to attend their awne and their maisters effaires."

"The whilk day the Laird of Fendraucht promeist the roll of the names of suche persons for quhom he would be answerable, and the names of these for whome he refused to take burdein."

"The Lords ordaine the Laird of Fendraucht to have his interrogators readie upon Tuisday againis John Meldrum and the rest."

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Johne M'Crystene of Monkhill and William M'Crystene, his brother, as follows:—Notwithstanding the prohibition to bear hagbuts and pistols Patrick Hannay, son to Patrick Hannay of Kirkdaill, William Hannay, his brother, Patrick Hannay, son to William Hannay of Kilfillane, Harry and Michael Walker, Johne M'Fadzeane and James M'Birnie, servitors to the said Patrick, all armed with swords, staves and other weapons and the forbidden hagbuts and pistols, on 23d May last, fiercely assailed the said Johne M'Crystene, and pursued him for his life, the said Patrick Hannay, younger, presenting a "bendit pistolet" at him, which providentially misgave; also on 3rd June thereafter these persons came armed as above to the complainer's lands of Breidfill, and the said William Hannay shot a pistol at him, which he escaped, and then drew another pistol and presented it at him, which happily misgave. Next day Patrick Hannay, elder of Kirkdaill, accompanied with these persons armed as above, came to the said lands of Breidfill and carried away the complainer's sheep and nolt to the town of Wigton and threatened the poor men whom they found in the fields keeping his said goods that if ever they found them there again they would "cutt the lugges out of their heid," so that none dare pasture any goods there. Afterwards the said persons met the said William M'Crystene, feld him to the ground with batons and other weapons, and cut his head in three places to the effusion of his blood. Again on 6th June following, "being Sunday," all these persons armed with guns came to the kirk of Wigton purposely to take the complainer's life; and more recently on the...
said month of June the said Patrick Hannay and his said associates, learning that the said John McCrystene was to be at Wigtoun about some necessary business, met in the house of armed with guns and pistols of purpose to shoot the complainer, if happily he had not escaped. Charge having been given to these persons, the pursuers compeared personally, and of the defenders the said Patrick Hannay who produced (1) a “testimonial” under the hand of the provost of Wigtoun, the Commissary of Wigtoun, the Laird of Barroch, John Fraser, bailie, and Thomas McKie, clerk of Wigtoun, to the effect that the said William Ahannay and Harie Walker had left the country in the beginning of September last and were presently in Ireland; and (2) the general remission granted by the King with consent of the Estates to his subjects for the breach of some penal statutes in which the said Patrick alleged the bearing of hagbute and pistols was included. Witnesses were also produced by the complainers to prove the special points of oppression in the libel, but in respect that these failed in their proof, and of the foresaid remission the Lords assize the defenders, and excuse the absence of the said William Ahannay and Harry Walker on account of their absence from the kingdom.

Complaint by Katharine Hamilton, spouse to James Baillie of Parke, as follows:—On 18th February last she obtained decrret before their Lordships ordaining her said husband to infet her in a legal way in the half of his living of Parke, Auchintibber and Corabasket, with the burden of the entertainment of their three daughters and payment of the annual rent of 1000 merks. He has not obeyed the decrret and has been put to the horn accordingly and contemptuously remains thereat, and she has been obliged to take legal proceedings before the Lords of Session against the tenants of these lands for the payment of her half for the year 1629. Owing, however, to collusion between her said husband and his tenants and private pactions between him and other parties, she is unable to derive any benefit from their Lordships decrret unless a certain portion of her husband's estate be definitely apportioned for her support. Charge having been given to the said James Baillie and his tenants, but who compeared not, the pursuer, personally present, produced a rental of her husband's lands, showing the names of the tenants and the amount payable by each, and that the rental, including the teind duty paid therefrom, amounted to one hundred and forty-five bolls of meal, forty-one bolls of beir, £48 money, and three dozen and six fowls. This present diet had been appointed for proving the rental, which was done by the production of tenants and their depositions and confessions. The defender being still absent, the Lords find that the rental of his lands is as is stated above, and that the half thereof extending to 74 bolls meal, 19 bolls bear, £24 of money and 33 fowls is due to the pursuer in terms of the foresaid decrret, and they dispone and assign to her
the particular portions of her husband's lands following, the tenants of which they ordain to make payment to her of their maills and duties for the lands occupied by them respectively, viz.:—John Wod, 20 bolls meal, 6 bolls beir and 6 fowls; Jean Hendersoun, 10 bolls meal, 3 bolls beir and 6 fowls; James Littlejohn, 6 bolls meal, 2 bolls beir and 4 fowls; John Porter, 3 bolls meal, 1 boll beir, £16 money and 3 fowls; John Bowman, 20 bolls meal, 4 bolls beir and 8 fowls; James Dick, 2 bolls meal and 2 fowls; John Thomesoun, 13 bolls meal, 3 bolls beir and 4 fowls; John Arbuckill £4 money; and John Wilkie for the Walkmill possessed by him, £4, as part of the duty paid by him. The Lords further authorise the pursuer in case of the refusal of any of these tenants to pay, to eject and remove them, just as if the same were done in her husband's name; declaring that her discharges to them shall be sufficient and shall keep them safe at the hands of the said James Baillie. Moreover, if the said James Baillie shall molest her in the uplifting of these rents she shall have redress against the other half of his lands. And seeing that the said James Baillie has a tack of the teinds of the whole lands granted to him by William, Lord Blantyre, and Mr. David Scharp, parson of Kilbryde, for payment of 20 bolls meal and 6 bolls beir to the said Lord Blantyre, and 5 bolls 2 flrots meal and 2 flrots beir to the said Mr. David Scharp, and that it is just and reasonable that the pursuer should pay the half thereof, they ordain that upon such payment she shall have good right to collect the teinds also of the half of the lands assigned to her without let or hindrance. This the Lords modify to her for the year 1630, without prejudice to her right to sue for what is due to her since the date of the decree fore-said.

Supplication by Alexander Leslie of Auquhorsk, Alexander Leslie of Elrig, Patrick Leslie of Legatesdene, and Richard Mount, servitor to the Laird of Pitcapele, as follows:—The Laird of Fendraught has charged them to find caution for compairing before the Justice on 12th January next for the burning of the place of Fendraught. In the case of a number of their friends who have been cited for the same cause for the 10th instant, the Lords have been pleased to grant warrant for continuing their summonses to the 21st January, and as it is all one matter, and that those cited for one diet must likewise await the other, they crave that warrant may be given to the Justice, and the Justice Clerk and their deputes, to continue all to the said 21st January. This the Lords grant provided the supplicants find new caution for their appearance that day.

Act of caution by Thomas Meldrum of Iden in 3000 merks for the indemnity of James Crichtoun of Fendraught and his wife, children and household.

Another Act of caution by him in the like sum for Mr. William Meldrum, his son, to the same effect.
"The Lords upon good and considerable respects continewis the torturing and punishing of Margaret Wod, prisoner in the tolbuth of Edinburgh, till the twentie day of Januarie nixt and ordains hir to be deteanned in waird till the said day."

"The Lordis of Secret Counsell [prorogats the] warrand formerlie grantit to Thomas Meldrum of Iden [and Mr. William Me]ldrum, his sonne, for thair compeirance before his Majesteis Justice . . . .

burning of the hous of Fendraucht untill the last day of Januar nixt, discharging in the meine tyme all his Majesteis judgeis, officiers and magistrates of all taking, apprehending, warding or arresting the said Thomas and M' William Meldrums be vertew of anie hornings or captions quhatsomever, discharging thame thairof and of thair offices in that part during the space aforesaid."

[Sederunt as recorded above.]
being one, in his place, and have this day expedit a commission to them in the matter; and they ordain letters charging the sheriff, if he should have apprehended these persons, to deliver them over to the said commissioners under pain of horning.

Supplication by Fergus Grahame of Blastwood, as follows:—He has been charged to compear before their Lordships this day at the instance of John Gledstains, notary in Dumfreis, but because of some hirings of which his party takes great advantage he cannot with safety appear. If their Lordships will assign a day and secure him for compearing he will let them see how unjustly he is treated by the said John Gledstains, and craves accordingly. The Lords grant him their protection for coming to Edinburgh for the above purpose till 13th January next.

The Lords extend the protection granted to Sir George Home of Manderston for the purpose formerly stated [ante p. 80] till Candlemas next.

Forsamuch as John Neill, now prisoner in the tolbooth of Edinburgh for witchcraft, has been often examined, and depositions have been given in against him, and it is necessary that witnesses be examined in his case, the Lords grant letters for citing them.

Complaint by John Kennedie in Parkheid and Gilbert Kennedie in Maybole, as follows:—On 22nd February, 1627, Alexander Barclay in Maybole lay in wait for them to take their lives, and meeting them in the town of Maybole he chased them with a “long durke,” and besides other wounds, he “gave the said John eane cruel wound on the head, eane inche and eane halfe deepe, and twa great straikes on the left shoulder neere to the collar bane sevin inche deepe, and siclyke gave the said Gilbert eane great straikes upon the backe of his hand and eane cruel wound upon the hinder part of his left shoulder sax inche deepe, to the great effusion of their blood and perrell of their lyfes.” Both pursuers and defender compearing, and having been heard, the Lords assoilzie the defender, because the probation being referred by the pursuers to his oath of verity, he declared that being pursued by the said Gilbert Kennedie with a Jedburgh staf “and dung to the ground and in his rysing being strukin over the arme with ane sword be the said John Kennedy” in his own defence, he “gave the persewers everie ane of thame aye wound with his whinger.”

Act of caution in 1000 merks by John Kennedie in Parkheid for Gilbert Kennedie in Maybole that Alexander Barclay in Maybole and his wife, children and household, will be unharmed by him.

Similar act of caution by Gilbert Kennedy for John Kennedy to the same effect, and the Lords in both cases discharge their former acts of caution for this purpose found before the Lords of Session.
"Charges aganis Letterfourie for contravening of his cautionie."

"Charges aganis the Marques of Huntlie as his landslord and maister for exhibition of him."

"That letters of hornig be direct aganis Letterfourie discharging him to repaire to Badyenauch."

"Proclamation aganis James Grant."

"Proclamation aganis Egiphtians."

"Ane Act anent the changeing of some mercatis in the north."

Sederunt—President; Privie Seal; Murrey; Seafort; Lauderdalell; Bishop of Dumblane; Melvill; Carnegie; Tracquair; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir James Baillie.

"The whilk day the Erle of Murrey reported to the Counsell that he was certifie be some of the Clan Chattan whome he had employed in taking of James Grant that they had tane the said James alvyve shott with sax arrows, and that sax of his men wer killed and sax takin, quhilck the Lords acknowledged as acceptable service and ordained ane missive to be writtin to acquaint his Majestie thairwith, of the whilk the tennour followes:—Most sacred Soverane, May it please your Majestie be informed that this 23 day of December 1630, whilst we wer at Counsell, the Erle of Murrey did returne unto us frome that great service undertaken by him aganis the rebellis in the north and made report of his apprehensioun of the archerebell, James Grant, and of sax of his complices and of the slaughter and cutting aff of other sax of his associats who wer killed in the conflict betweene the said Erles men and the saids rebellis; and the newes wer so acceptable unto us and the service of so high esteeme as we cannot in dewtie bot represent the same unto your Majestie gracious approbation and princelle respect of it; and the rather becaus the north of this your kingdome hes beene extremelic infested by the saids rebellis these manie yeeres bypast, they having with a high hand undone manie of your Majestie good subjects by burning, killing and robbing without controll, to the high contempt of your Majestie auctoritie and disgracefull neglect of the present governement beere; and though for repressing of the saids notorious and dangerous rebellious we had directed diverse commissions and pro pounded great rewards for the heads or apprehensioun of these rebellis, yitt by experience we have found that the said noble Erles expensefull and active endeavours and panes takin both by night and day and with the hazard of his freinds and followers hes so fullie and valiantlie performed that service as we darre affirme unto your Majestie that his lordship hes both deserved thankes and rewarde and the good opinioon of your Majestie and your loyall subjects, who now ar hopefull to be freed frome their wounded feares and dangers under whiche they have
long groaned with their great loss and prejudice, as having beene long as in a hostile manner preyed upoun, almost to the utter wasting of that country, and to the great terror of all the neighbouring countreyes about. And whatsoever the said archrebell and his apprehendit complices shall be brought unto us we shall endeavoure diligentlie to inquyre of their harbourers, maintainers, abaters and releevers, that they with thame may receive their dew punishment according to the purport of your Majestie lawes and statutes in suche causes provided, and thereafter we shall give your Majestie suche trew notice thaireof fra tyme to tyme as may best beseeze the dewteis of our place and the trust whiche your Majestie hes reposed in us. And so praying [God to bless your Majestie with a long and happy raigne, we rest, etc.] Halyrudhous, 23 Decembris [1630]. 

"Forsamekle as the Lords of Secret Counsell hes receaved sure informations from some noblemen, barons and gentlemen in Stratherne and Monteith, that the persons particularlie underwritten, they ar to say, Duncan MacEane Dow McPaul, Johne Romach McPaul, his brother, Duncan Gow McGregour McPhatrik, Patrik Malcome and Johne, his brother, Duncan Levir McCoull, Gregour McCoull, sonne to Malcolm McGregour in Glengyle, Malcolm Oig McCoull McGregour, sonne to Patrik McGillicallum, Duncan Lean McPatrik Dow McGregour, Patrik McGregour . . . torn . . . McGregour sonne to Patrik Dow McIncother, Alaster Cass . . . . . . . . Our McGregour, Patrik McGregour Veg, Donald McEan Dowla . . . . . rist McConochie McIlgarith in Arkyle, hee of lait brokin louse . . . . . themselfes numbers of brokin and lawlesse lymmars of the Clan Gregour and other brokin clans in the Hielands, who by the force of his Majesties royall auctorite wer some few yeeres bygane reduced to the obedience of law and justice, hes now begun to renew their accustomed and wicked trade of thift and stouthreafe whairin numbers of their wretched and miserable predecessours endit their lyfes, and they goe in sorning and in troupes and companies ahort the heads of Monteith and Stratherne where they not onelie committ privie stouthes but opin reaффes and herdships, and threatens with fire and sword suche of his Majesties goode subjects aganis whom they beare querrell and who pressaes to oppose and resist thair theevish and lawlesse doings, quhairthrow the peace of the countrie is farre disturbed and his Majesties goode subjects heavilie distrest in thair persons and goods to the great contempt of law and justice and disgrace of his Majesties auctoritie and gouvernement. And whereas it is ane great discredit to the countrie that suche ane infamous byke of lawlesse lymmars sall be suffered to breake louse as if his Majesties arme

1 There is another copy of this letter recorded in the volume of Royal Letters, and the words in brackets are given from it.
of justice were not able to overtake thame, therefore the Lords of Secret Counsell hes givin and grantit and be thir presents gives and grants full power and commission to William, Erle of Monteth, President of his Majesteis Counsell and Lord Cheefe Justice of this kimgdome; James, Erle of Murray; Johne, Erle of Athole; Johne, Erle of Perth; Mungo, Maister of Stormont; Sir Duncan Campbell of Glenurquhie; Coline Campbell, appeirand thairof; Sir James Campbell of Lawers; Sir George Muschet of Burnebanke, Robert Campbell of Glenfallach, Thomas Grahame of Douchall, Johne Grahame of Rednick, Campbell of Glenlyoun, James Stewart, Stewart depute of Monteth, Johne Grahame of Polder, William Grahame fear of Boquhappill, Patrik Campbell, sonne to Glenurquhie, Duncan M’Robert Stewart in Balquhidder, and David Muschet of Calliuchat, whome the saids Lords alsua makes our soverane Lords justices in that part conjunctlie and severallie, to convocat his Majesteis lieges in armes and to pas, searche, seeke, hunt, follow and perswe with fire and sword the brokin and lawlesse lymmars abonewrittin where ever they may be apprehendit, and to putt and detaene thame in sure waird ay and whill justice be ministrat upon thame conforme to the lawes of this kimgdome; and for this effect with power to the saids justices and commissioners or anie three of thame provyding that anie one of the noblemen abonewrittin and the Lairds of Glenurquhie, elder and younger, and the Laird of Lawers be twa of the three, to fence and hold courts and to create officiars and members of court neidfull, and in the same courts the persons foresaidis and suche of thame as sall be apprehendit to call, be dittay to accuse and thame to the knowledge of ane assise to putt, and as they sall happen to be found culpable or innocent of the crymes of slaughter, murther, theft, stouthreafe or sorning, to caus justice be ministrat upon thame conforme to the lawes of this realme, assysee neidfull for this effect, ilke persoun under the pane of fourtie punds, to summound, warne, choose and caus be sworn; and if it sall happen the saids lymmars or anie of thame for eshewing of apprehensioun to flee to strents and houses, with power to the saids commissioners, conjunctlie and severallie, to pas, follow and perswe thame, assiège the saids strents and houses, raise fire and use all kynde of warrelie ingyne that can be had for recoverie thairof and apprehending of the lymmars being thairin; and if in persute of thame or anie of thame, they refusying to be takin or assiège the saids strents and houses, it sall happen thame or anie being in companie with thame or within the saids strents and houses to be hurt, slane or mutilat, or anie other inconvenient thairupon to follow, the said Lords declares that the same sall not be impute as cryme nor offence to the saids commissioners nor persouns assisting thame in the executioun of this commisioun, nor they nor nane of thame sall be callit, nor accused thairfoir criminallie nor civillie be anie maner of way in tyme comming, notwithstanding whatsoever acts, statuts or proclamationouns made in the contrair,
whereaenrent the saids Lords dispenses be thir presents, exonering thame thairof and of all pane, cryme or danger they may incurre thairthrow . . . . . . . . be direct charging officiers of armes to make publicatioun . . . . . . at all places neidfull whairthrow nane pretend ignorance of . . . . . . command and charge all and sindrie his Majesteis lieges and subjects to reverence, acknowledge and obey, rise, concurre, fortisifie and assist the saids commissiouns, conjunctliue and severallie, in all thinges tending to the execution of this commissioun and to doe nor attempt nothing to the hinder or stay of the same, as they and everie ane of thame will answer upon the contrarie at their highest perrell. This commissioun ay and whill it be speciallie discharged to indure.”

“Forsameeke as the commissioun of shirefship grantit to Simon, Lord Fraser of Lovat, within the bounds of Elgone and Forres, is now expyred upon the first day of August last, and the Lords of Secret Counsell understanding the good and worthie disposition of Dumber of Grange towards the forderance and advancement of his Majesteis service, and that he will behave himselfe with that respect whilk is answerable to the trust of ane shiref within the bounds foresaid, thairfor the saids Lords hes made and constitute and be the tennour heirof makes and constitute the said Dumber of Grange shiref principall of the shirefdom of Elgone and Forres, and gives, grants and commits unto him the office thairof, with all fees, dewteis, escheits, unlawes and foereyfts belonging thairto siclyke and with als great freedome and auctoritie as anie his predecessors in the said office hes or might have lawfullie done at anie tyme heeretofore; shiref courts within the burrowee of Elgone and Forres and others accustomed places and seates within the said shirefdom to sett, begin, affixe, affirme, hold and continew, sutes to make be callit, abents to amerchit, unlawes, amerchiements and escheits of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynd and distreinzie, and to proceid and minister justice in all and sindrie achiouns and causes criminal and civill proper and competent to the said shiref, and to give decreits and sentences thairupon, and to caus the same decreits and sentences receave executioun accordinglie; brieve of our soverane lords Chancellarie of whatsomever nature direct and to be direct unto the said Shiref, to receave, opin and caus be proclaimed, and accordinglie to be putt to executioun, assyses and witnesses als oft as neid beis, ilk persoun under the usuall and accustomed panes, to ssumound, warne, choose and caus be sworn, deputis under him in the said office with officiers, serjants, dempsters and all others officiers and members of court neidfull to make, create, substitute and ordaine, for whence he sall be haldin to answere; with power alsua to the said shiref to aske, crave, receave, intromett with and uplift his Majesteis castellwairds, blenshe dewteis and others entreiss of free tennents within the bounds of the said shirefdom and if neid beis to poynd and dis-
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treinzie thairfoir and to make compt thairof in the Exchecker, and to receive the mustours and weaponshawings of the inhabitants within the said shirefdome at suche tymes as sall be appointed thaito be his Majesteis lawes and proclamations, and to unlaw and punishe the absents accordinglie; as alsua to raise and convene the inhabitants within the said shirefdome at all tymes and occasiouns needfull for the forderance and advancement of his Majesteis service and persute of his Majesteis trators, rebellis and disobedient persons; and generallie all and sindrie others things to doe, exercize and use quhilkis ar proper and competent to the office of a shireff and quhilkis of law and consuetude of this realme ar knowne to appertane. Firne and stable balding and for to hald all and whatsoever things sall be lawfullie done heerin; and ordains letters to be direct charging officiars of armes to pas and make publication heirof at the mercat crose of Elgine and Forres and others places neidfull whairthrow none pretend ignorance of the . . . . . charge all and sindrie his Majesteis lieges and subjects to reve . . . . . . . . . . . rise, concurre, fortifie and assist the said shireff and his deput . . . . . . to the executioun of this commissioun, and to doe nor attempt nothing to thair prejudice nor hinder as they and ilke ane of thame will anserwe to his Majesteis Counsell upon the contrarie at thair highest charge and perrell. This commissioun to the first day of August in the yeere of God j.m.vj and threttie twa yeeres to indure."

"Forsameekle as for the better cleering and discoverie of the burning of the place of Fendraucht it is thought that the persons underwritten can give some light and information thereon, and whereas James Crichton of Fendraucht being burdened with the entrie and exhibition of thame to thair examination as persons whome he aught to anserwe for he hee declyned the answering for thame, and thairfor the Lords of Secret Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to George, Lord Gordoun; William, Lord Hay; Arthur, Lord Forbes; and James, Lord Deafurde, conjunctlie and severallie, to pas, searche, secke and take Robert Crichtoun of Conland, William Robertsoone, servitor to Robert Somervell, Fendrauchts man, Johne Bewlie, sonne to Robert Bewlie, and William Bucke, alsua his servant, James Meates, fisher, George Hempseid, schoolmeister, Fraser, skudler [i.e. scullion] in Fendraucht, Alexander Jacke, greeve there, William Robertson, Andrew Home, James Forbes, footman there, Jacke and Turnour, kitchine boyes in Fendraucht, Marioun Learmonth, wardropper, Christiane Turnoun, Christiane Clerk and Margaret M'Kiesone, servents in Fendraucht, George Abircombie, servitor to John Beatoun, Johne Robertson, servitor to George Chalmers, Robert Fraser, servant in Fendraucht, Johne Chalmer, brother to George Chalmer, footman, Andersone, poi, James Wishart, pleasant, where ever they may be apprehendit and to bring, present and exhibite thame before the saids.
Lords to be examined upon the burning foresaid, and all things necessar for their apprehension to doe and use quhilk of law and consuetude of this realtime ar knowne to perteane. Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin. This commissioun untill the fyftene day of Februar nixt to indure."

"Forsameekle as for the better discoverie of the burning of the place of Fendraught necessar it is [that] the persoues particularlie underwrittin, who ar thought can give some light and information thereanent be examined before the Lords of his Majestis Privie Counsell concerning this mater, thairfoir ordains letters to be direct charging the sais persoues, they ar to say, George Chalmer in Notth, M' Harie Seatoun of , George Davidsone, sonne to Janet Moresone, Alexander Leslie in Ernhill, Adame Strauchane there, Thomas Burnett of Campbell, Andrew Burnet, his brother, M' Gilbert Keith, minister at Bourtrie, James Blacke there, William Garioch of Tillichieche, M' Thomas Melvill, minister at Dyce, William Ogilvie, brother to the Lord Ogilvie, Fraser, his servant, Alexander Gardin in Muralehous, Johne Gordoun in Leyludge, M' Johne Reid, minister at Taulen, David Duncane, servant to Peter Rollock, to compeir personallie before the sais Lords upon the day of to depone sua farre as they know or sall be spairit at thame concerning the mater foresaid under the pane of rebellioin, etc., with certification, etc."

"Whereas the Laird of Fendraught hes undertane to be answerable for exhibitioin of the persoues underwrittin before the Counsell upon the 25 day of Januar nixt to be examined anent the burning of Fendraught, they ar to say, Captaine Peter Rollock, George Crichtoun, younger of Creichie, Robert Spence of Tullo, George Spence, his sonne, John Beaton ... atoun, Alexander Alsonner, Thomas Jose, Alexand ... er Moresone, pundler [i.e. poinder], George Gawine, John Gib, Johne ... Chalmer, and James Johnestoun, greeve; thairfoir intimiation wes maid to the Laird of Bamf, who compeird and excused the absence of the Laird of Fendraught, that the Lords had appointed the twentie fyft of Januar to the Laird of Fendraught for exhibitioin of the sais persoues or productioin of a testimoniall of their sicknesse; and the Lords reserves to thameselfes the consideratioin of the unseasonable weather and other reasonable excuses."

"The Lords allows the Ladie Fendraught to goe home and dispenses with her compeirance till she be chargit of new."

"The quhilk day in presence of the Lords of Secret Counsell compeird personallie Sir Robert Inneis of that Ilke and actit himselfe and undertooke to exhibite Magdalene Inneis before the Counsell upon the 25 of Januarie nixt, wedder serving."

"The whilk day Robert Bewlie compeirand before the Counsell and being aworne declared that he wes not able to find caution and thair-
foir actit himselfe to compeir before the Counsell upon the twentie
ane day of Januarie now approcheing to be examined anent the
burning of Fendraucht under the pane of fyve hundredth merkes."

"The Lords of Secret Counsell gives and grants warrant and com-
mission to the Bishop of Dumblane, Clerk Register, Advocat, Justice
Clerk and Justice Depute, with suche of the Counsell as shall be in
toun, to examine John Meldrum and others prisoners in the tolbuith
in the vacant tyme upon suche interrogatouris as shall be givin
in aganis thame."

"The Lords ordains the Clerk of Register to delliver to the Shireff
Clerk of Beruick the registers of the shirefdom of Beruick being in
his hands."

"Forsameekle as the persons underwrittin, they ar to say, Magdalene
Wod, spouses Leslie of Kincragie, Jonnet Wod, spouses to John
Gordoun of Bountie, Marjorie Malcomie, spouses to Mathow Alexander
in Turreff, Barbara Gardin, spouses to Gordon,
spouses to Mr Robert Rissat of Lessindrum, Issobell Stranchane, spouses to
John Spence in Brunstane, and
spouses to John
Gordoun at the Mylane of Rathven, ar not onelie profest and avowed
Papists and excommunicat be the orders of the Kirk for that caus
bot with that they are denounced his Majestis rebellis and con-
temptuouslie lyes at the horne unrelaxt, and to the forder contempt
of law and justice and of the orders and discipline of the Kirk they
ar commoun ressetters, hoorders and interteanners of Jesuits and
messe priests and traffiquing Papists, heares messe of thame and other-
ways lives after ane most scandalous and offensive maner and by
their ill exemple encourages others to show the lyke ressetts, supplie
and confort to the saide jesuits, preists and traffiquing Papists; and
whereas be the lawes of this kingdome the husbands acquh to be
answerable for their wyffes and sould make thame answerable and
obedient to law and justice, thairfoir the Lords of Secret Counsell
ordains letters to be direct charging the weomen particularlie abone-
writhin to compeir personallie, as alsa thair saids [husbands] . . .
. . . . . and exhibite thame before the saids Lords at ane certane
. . . . . . may be tane with thame for thair excommunicatioun and . . .
under the pane of rebellioun and putting the foresaid haill persons to the horne, with certifictionu, etc."

[Sederunt as recorded above.]
principal and Adam Bothwell and Mr. James Aikenhead as cautioners, Decrota, January 1630. 500 merks; the Laird of Innerleith as principal and Sir Robert February 1631. Hepburne, knight, as cautioner, 800 merks; George Aitkine of Under- edge as principal and George Purves, clerk of Dunbar, 100 merks; Mr. George Winrham, far of Libbertoun, 80 merks; William Fairlie in Edinburgh, as principal, and Mr. William King and Mr. David Heriot as cautioners, 80; Mr. William Spence, Master of the Grammar School in Prestoun, 35 merks; and Sir James Richardsoun of Smetoun and Robert Richartoun of Pencaitland, his brother, 700 merks; but these are not the kind of annual rents which are subject to taxation seeing they want a stock, and the rent dies with the petitioner. He therefore craves that their Lordships will grant him their declaration that these are not subject to the taxation on annual rents; and this their Lordships do, and free him of all payment of taxation for them in time coming.

On a petition by John Stewart of Coldingham, the Lords extend their protection formerly granted to him for transacting the business between him and Robert Dowglas of Blaikester and Alexander Cranston of Morestoun, which expires on 25th instant, to the last day of February next. "He hes not beene ydle bot hes used all the diligence he could" to end matters, "bot he hes beene so farre shifted and put off be thame with impertinent and ydle delayes as he cannot gett his effaires outhred in this session."

Supplication by Sir David Livingstoun of Donypace, John Livingstoun, his son, and David Barclay of Maders, as follows:—The said Laird of Donypace has been most anxious during the period of his protection to satisfy his creditors, and for this purpose has entered into negotiations with some persons of quality for a sale of his lands, but these have been interrupted on account of the absence of the said David Barclay, who is an interested party. He has, however, now come to town, and is willing to concur, and as consultation with lawyers and a considerable time will be necessary, they crave an extension of the former protection. This the Lords grant until the last day of February next.

The Lords extend their protection formerly granted to Mr. Matthew Crawfurd, brother to the Laird of Lochmoreis, for coming to this kingdom and dealing with his creditors, till the last day of February next.

"Most sacred Soverane, According to your Majesteis princelie direc- tiouns send downe be way of article in July last we haif often conferred with the Earle of Seaforth concerning his Yle of the Lewis, and we haif likeways ressavved and perused his particular [sic] and rent roll thereof heirwith sent unto your Majestie whiche he undertaketh to be truelie sett downe within the value; and as his predescours and he haif bene at verie grate trouble and chargie in purchasing and secureing the title of the said Yle and in planting and civilizing thereof, yea even with the bloode
Sederunt—Chancellor; President; Privy Seal; Murrey; Tracquair; Archibald Achesone; Clerk Register; Advocate.

The Lords of Secret Counsell gives and grants warrand and commissioune by these presentes to Sir Robert Innes of that Ilke and Doctour Arthure Johnestoun, conjunctlie and severallie, to pas and make their addresse with all convenient diligence towards James Grant and his complices, being now prisoners, and to examine thame upon all secreet plotts and practices past betuix thame and anie of his Majesteis subjects tuiching their assistance for disturbance of the publict peace and upon all treasonable exploits, treatises, conferences and consultatious anent whatsoever heirships, fyre raisings and depredatious committed by him or his complices or be thair knowledge or whairunto he or they have beene accessorie, and upoon thair receptor, abbettours and upoon thair places of recipet, and alas to examine thame upon all suche heads and articles concerning his Majesteis peace and weele of the kingdome, according to the instructionis givin unto thame be word or writt, and conforme to the trust reposed in thame be his Majesteis Counsell, and to report thair depositious under thair hands to the saide Lords; and alas to have anie speciall care that the said James Grant and his complices how soone they ar able to travell may be saufelie transported and exhibite before his Majesteis said Counsell.”

“This booke beginnes upon the fyft day of Februarie 1628 and ends upon the 24 day of December 1630.—J. Prymrois.”

Supplication by James Crichtoun of Polcake, as follows:—He is indebted to several persons in small sums of money and is willing to give them assignations to certain sums due by other persons to him, but with the purpose of ruining him they intend to debar him from the

1 Note and signature at the end of Volume of Acts.
benefit of the law against his creditors and so disappoint themselves of satisfaction. They daily threaten him with captions, whereas if he had some short time of liberty he could take some course for their payment. He therefore craves their Lordships' protection, and this they grant until the last day of February next.

"After our verie heartlie commendationes to your good lordship. Royal Letters, Yow have heard, we doubt not, of the apprehensioun of the trautour James Grant and some of his complices, who hes so long runne louse and committed so manie treasonable attempts to the disgrace of his Majesteis governement and to the hurt of his Majesteis good subiects; and whereas he wes hurt in the taking and it is feared that his hurts will perrell his lyfe, quhilk will be a great hinder to the discoverie and detecting of his treasonable exploats and of his abettours, counsellours and assisters, we cannot be answerable to his Majestie if all possible means be not used to have him examined before he be prevented by death. And knowing your lordships good affection to his Majesteis service and there being none other of his Majesteis Counsell in these parts whome we can intrust with this bussines, we are thairoir moved to lay the burdein thairof upon your lordship, and earnestlie requiest your lordship that with all convenient diligence yow make your addresse toward the said James and his complices and to examine thame upon all secretes, plotts and practises past betaux thame and anie of his Majesteis subjects tuicheing the disturbance of the publict peace, and anent the fireraisingis, heirships and depredations committed be him and his complices or by his knowledge or whairunto they have beene accessorie, and upon thair ressetters and abettours and places of thair ressett, and upon suche other things as your lordship in your awin discretioune sall thinke meit to demand of him; we have appointed the Laird of Inneis and Doctour Johnestoun to concurre and joyne with your lordship, who will be readie to attend your lordship and to follow your lordships advice and opinioun in this great earand quhairin the king and the countrie hes so great interesse; and when you have endit thair examinationis yow sall sett thair depositions doun formallie in writt and returne the same closed and sealed to us with convenient diligence; and looking that your lordship will use all the haist that goodlie yow may in this bussines, quhilk his Majestic will accompt as most acceptabe service, we committ your lordship to God. From Halyrudhous, 27 Decembrie 1630. Subscribitor, Dupline, Monteth, Hadinton, Dumblane, Hamiltoun, St Thomas Hop."

Sederunt—Chancellor; President; Privy Seal; Murrey; Wigtoun; Linlithgow; Bishop of Dumblane; Lord Traquair; Secretary; Clerk of Register; Advocate; Justice Clerk.

1 The first 35 folios of this Volume of the Register are occupied with Minutes of a Convention of the Estates, 28th July 1530-7th September 1533.
"The Lords of Secret Counsell ordains letters to be direct charging Captane David Robertse, burges of Dysart, to compeir personallie before the saids Lords upon the first day of Marche nixt and to bring for present and exhibite with him before the saids Lords the letters of reprysall grantit to him to be the Kings Majestie by his letters patent under the great scale to be seene and considerit be the saids Lords, and to the intent the saids Lords may take suche order thereaenent as accord, under the pane of rebellioun, etc., with certification, etc."

"The whilk day Thomas Robesone, jaylour of the Cannogait, wes by direction of the Lords of Privie Counsell committed to ward in the tolbuith of Edinburgh for suffering of persons to have accesse and conference with John Tosauche, who wes ordaine to have beene keeped close prisoner within the tolbuith of the Cannogait."

"The whilk day M' Williame Haig, M' Lewes Steuart, and M' Alexander Hay compeirand personallie before the Lords of his Majesteis Counsell and being demanded if the Lord Chancellor dealt with M' Haig to relinquishe the motioun made be him to his Majestie agaynst the taxatioun, and that he premisse that he would procure the whole Counsell to joyne with him in obteaining a rewarde from his Majestie for his paines, they all three and everie ane of thame denied the same to be of veritie and declared that M' Alexander Hay out of his love and kyndenesse to M' Haig a day after thair meeting with the Chancellor advysed M' Haig to leave that bussines and that he would deal with the Chancellor to be his freind; and depons forder that not being satisfied with M' Haigs grounds they intretattted the Chancellor that the answere to his Majesteis letter might be conceaved fairlie, and that since there wes ane mistaking in M' Haig, who intendit the good of his Majestie service, that he might have some rewarde for his paines, quhairunto the Chancellor answered that the Counsell would write thair owne answere, and as for ane rewarde, he would not be ane unfreind to M' Haig, but his propositiouns deserved rather a punishment."

[Sederunt as recorded above.]
witnesses having been heard, the Lords assoilzie the defender for want of sufficient proof.

Supplication by Sir Hew Wallace of Cragie, knight baronet, as follows:—Their Lordships granted to him their protection for coming to Edinburgh and dealing with the Lords of the Exchequer for the surrender of his office of bailiary of Kyle Stewart and regality of Newton for £20,000, which expired on . He is most anxious to complete the business so that the said sum may be assigned for satisfaction of his creditors, and he therefore craves an extension of his protection both to himself, and to William Wallace of Ellerslie, William Wallace of Preistikeschaw, Robert Wallace of Barnweil, Robert Wallace of Brighous and John Tait of Adameshill, who are engaged as cautioners for him to David Cuninghame, servitor to his Majesty, for 4500 merks; the said William Wallace of Ellerslie, Mr. John Hamilton, minister at Cragie, Andrew Crawfurd of Drings, Mr. John Chalmers of Poquharne and Paul Glover of Trinitieland who are engaged as cautioners for him to Nicol Edzer, merchant burgess of Edinburgh, for 2000 merks, and to William Cuninghame of Drongins for 500 merks; and the said William Wallace of Ellerslie, Robert Wallace of Barnweil, John Wallace of Sheillis, James Wallace of Dulleres and Andrew Crawfurd of Drings, who are engaged as cautioners for him to Robert Smith and William Gray, merchants in Edinburgh, for about 500 merks. The Lords grant the protection craved to these persons till 31st March next.

Supplication by Marion Watsoun in Lykitheuche, David Mureheid, her son, and John Mairshell, her servant, as follows:—They are charged at the instance of Sir David Livingstoun of Donypace to appear before the Justice on the 12th instant to underlie the law for "thair alledgit thifteous drawing of his teind stackes and away taking furth thairof twelwe bollis aitts, and for thair alledgit stealing and away taking furth of thair lyme kills fourscore bollis of brunt and made lyme." Now, there should no process be granted in this matter, because (1) the corn wherewith they are charged does not belong to the said Laird of Donypace but to the Earl of Linlithgow, in whose behoof it was sequestrated and stacked in the suppliants' barnyard; (2) the said Earl had already summoned the suppliants in this matter before the baron bailie of Donoven by whom they were sentenced for the same and had come in his Lordship's will, and so the matter being res judicata it cannot be brought to a second hearing; and (3) with regard to the lime, by the terms of the contract of wodset of the lands of Bankend which the said David Mureheid holds of the said Laird of Donypace, and by a particular warrant which the said Marion has from the said Laird to that effect, the suppliants have right "to winne and transport lyme for the use of the saids lands." They therefore crave that their Lordships would discharge the Justice,
Justice Clerk and their deputys from proceeding with this accusation against them, and the Lords, having seen the contract, warrant and rollement of court referred to, accede to the prayer of the petitioners.

Supplication by Mr. Joseph Lawrie, minister at Stirline, as follows:—He was summoned to appear before the Lords of his Majesty’s High Commission on 15th December last, but was unable to attend on account of “the heavie sickenesse and visitatioun of his familie.” This he duly intimated to the Archbishop of St. Andrews, yet the said Lords proceeded against him in his absence and discharged his provision, and he is now ordained to ward himself within the city of Glasgow within three days after the 15th instant on pain of horning. He therefore craves that their Lordships will continue his entry into the said ward until the end of this winter season, especially as he has urgent legal affairs to attend to here, and he promises to remain in Edinburgh and not to depart thence without their Lordships’ permission. The Lords postpone his entry to ward within the city of Glasgow till 31st January instant and meanwhile recommend to the Archbishop of St. Andrews “the satisfactioun of the said supplicant his defence conteanit in this supplicatioun according as he shall finde the same to be expedient.”

Supplication by Arthur Dowglas of Stanypeath, as follows:—John Adam and Robert Bredeis lately stole from him seven sheep, and were taken with the fang and imprisoned in the tolbooth of Hadintoun, whereupon their Lordships granted commission to Sir John Seatoun, knight, Mr. James Cockeburne, provost of Hadintoun, James Hopper of Bourhouses, and George Home of Furde for their trial and punishment. These gentlemen, however, are reluctant to execute this commission until they consult with their lordships as to the punishment to be given “seing they thinke it one hard mater to take three mens lyffes for sevin sheepe.” He therefore craves their Lordships’ decision in the matter so that execution of this commission may proceed. The Lords ordain the said commissioners to put the said John, Adie and Robert Bredeis to trial by an assise, with convenient diligence, and to report the process of their conviction to them, when they will determine what sentence shall be passed upon them.

The Lords continue the protection formerly granted to Fergus Protection to Grahame of Blatwode for his comparring to defend himself against a complaint by John Gledstains, notary in Dumfreis, until 11th February next, to which day the case has been continued.

Complaint by Thomas Lowrie and William Lawrie [sic], his son, in Case of a false charge of witchcraft. —They have been charged at the instance of Henry Futhie, William Cuthbertson and John Meggatt, cor- diners in the Cannogait, to appear before their Lordships and obtain a discharge to the Commissaries of Edinburgh of any further proceedings in respect of the alleged slandering of Bessie Pursell, spouse of the said
Thomas. In this matter their Lordships had written to the Archbishop of St. Andrews desiring him to inform them about some depositions given to him by these persons accusing the said Bessie Purseill of witchcraft, and the Archbishop had reported that the depositions were not relevant for proceeding against her on such a charge, but were "meere fantascia." It is therefore necessary that their Lordships should acquiesce in this discharge. Both pursuers and defenders comparing and being heard, the Lords discharge the Commissaries of Edinburgh of all further procedure against the defenders in this matter of scandal, and also of all procedure against the said Bessie Purseill unless upon new and other grounds than those submitted to the said Archbishop.

"A commission to the Bishop of Abirdene to examine the Lord Forbes upon suche interrogatouris as salbe gevin in be the Laird of Fendraught."

Sederunt—Chancellor; St. Andrewes; President; Privy Seal; Murrey; Linlithgow; Wigtoun; Galloway; Seaforth; Bishop of Dunkeld; Bishop of Dumblane; Traequair; Secretary; Clerk Register; Advocate; Justice Clerk.

The whilk day George Vicount of Dupline, Lord High Chancellor of this kynodme, gave in his answers to M' William Haig his overtourn that he anent the taxatioun, whiche the Lords ordained to be delyvered to M' Haig and him to reply upon Tuesayd nixt."

"The Lords ordains Pitcaple to be warned to Tuesayd nixt anent the exhibition of Johne Leslie callit the Sojur, and Yrish Donnald, his servants."

"The Lords declares that at the dyett appointed for tryell of the persouns suspect guilte of the burning of the hous of Fendraught, they will give order for examinatioun of thame or others as occasion sall offer."

"The Lords finds that the Lord Admirall post conclusum in causa may receave probatioun, the parteis making faith that the mater whairupon they ar to be examined is noviter pervenientis ad notiitiam."

"The Lords ordains the charges direct aganis the Admirall for pronunciing of sentence aganis the salt ship to desert."

"Anent the supplication presented to the Lords of Secret Counsell by M' John Rattray, minister at Rattray, makand mentiou that where the Water of Rattray alias Erigh, a myle and a halfe abone Coupar in Angus, and whiche is in the comonnie he passage betuix the north and south parts of this kynodme, is so impetuous, and runsse with suche a violent force when anie tempest of wind or raine arises that there is no passage at anie furde of that water, and verie oft for the space of eight dayes togiddier all passage at that water, ather be cobill, horse or foote,
is interrupted and closed up to the great hinder of his Majestie's subjects and to the extreme hazard of manie of their lyffes, of whome during the short tymne that the supplicant hes attendit the kirk of Rattray auchtene persons to his knowledge hes perished in that water. And whereas there is als great ane necessitie of a bridge over this water as in anie other part of the kingdome and whairunto the supplicant is in good hope that his Majestie's subjects will willinglie contribute and putt to their helping hand, humbelie desyryng theirfoir the saids Lords that they would grant letters of recommendatioun to all archbishops, bishops, synods, presbyteries, noblemen, barouns, burrowes, and others his Majestie's good subjects for contributing of their support and helpe toward the building of the said bridge, lykeas at mair lenth is conteanit in the said supplication. Qhillik being read, heard and considerit be the saids Lords and they weill advised theirwith, the Lords of Secret Counsell hes recommendit and be the tennour heirof recommends this mater to the favourable, charitable and christiane consideratioun of the hail estat esboth spirituall and temporall within this kingdome beyond the water of Tay, and to the whole persons of whatsoever qualitie, ranke and degree, within these bounds, requesting and desyryng thame and every ane of thame to extend suche proportioun of their liberalitie and charitie toward the biging of the said bridge as the importance and necessitie of the caus requires. And the saids Lords hes committed and be the tennour heirof committs the collection of this contributioun and benevolence of the people to the said M' John Rattray, minister at Rattray, who is a man of approven credite, honestie and reputatioun, and will deale faithfullie in this bussines and conceale nothing that will be givin be the people to this so good and necessar ane worke, givand, grantand and committand unto him full power, warrand and commissioun to deale and travell with the whole bishops, noblemen, barons and gentlemen, synods, presbyteres and sessiouns of kirks, burrowes, towns and villages and with all others his Majestie's subjects als weill to burgh as land beyond the said water of Tay anent their benevolence and charitable and christiane contributioun to be givin out of their good discretion for the helpe and supplie of the said bridge; and the said M' John sall have ane booke delvered to him be the Clerk of his Majestie's Counsell, whairof everie leafe sall be marked be the said Clerk, within the whilk booke the saids Lords requiيستs all and everie persoun who sall contribute to this worke to insert or caus to be insert the soumes of money that they sall contribute and advance in this earand, and if anie person or persons be sleuth or negligence sall refuse or forgett to insert their said contribution, ordains and commands the said M' John to insert the said contributioun himselfe; and that he report his diligence in the premises with his booke conteaining the names of the whole persons contributers and soumes of money collected be him to the saids Lords upon the first day of Januarie, 1632, to the
intent the saids Lords may know what soumes ar collected and how the samine sall be imployed. And the said Mr Johne sall give his great and soleemme oath at the reporting of his diligence and booke foresaid that he hes not omitted nor left out of the said booke anie of the persons names that contributed, nor the soumes, nor no part thairof that sall be advanced in this earand; requeisting alsua the saids archbishops and bishops to give directioun to the ministrie within their dioeces that they admonishe and stirre up their flockes and parochiners to putt to their helping hand in this so important and necessar a caus.”

[Sederunt as recorded above.]

Complaint by William, Earl of Mortoun, Lord High Treasurer of Scotland, John, Lord Stewart of Tracquair, deputy treasurer, and Sir Thomas Hope of Craighall, knight baronet, his Majesty’s Advocate, as follows:—Their Lordships, considering the great scarcity of victual within the kingdom this year, and the probability of a consequent dearth, made a strict prohibition of all exportation thereof by sea or land and especially “at the marches of this kingdom opposite to the marches of England,” under the penalty of the confiscation, not only of the victual, but also of the whole moveables of the transgressor; and this was duly proclaimed at Dunce, Kelso, Selkirk, Jedburgh, and other towns “within the lait borders of this kingdom.” Notwithstanding whereof Andrew Ker of Roxburgh on last sent Baillie of Haltoumburne to the barn of Thomas Burne of Ellishenches, where he received ten bolls of beir and transported them to England. Further, about the same time, James Ker, second son of the said Laird of Linton, took out of the said barn fifteen bolls of beir and transported them to England. Also on Alexander Torrie of Mordingtoun took out of the Nunlands three bolls of victual, and transported the same to England. Charge having been given to the said James Ker and Alexander Torrie, and both pursuers and defenders comparing, the Lords remit to the Lord Tracquair, Treasurer Depute, to take order with the defenders according to the merit of the case.

Complaint by Katharine Hamilton, spouse of James Baillie of Parke, as follows:—On 18th February, 1630, her said husband, compariring before their Lordships, was placed under caution “to putt Jeane Henderson, his tennent, with whome he hes beene suspected to have used over familiar companie, aff his ground, after the separatioun of the last crop frome the ground” under a penalty of 3000 merks, which penalty, if incurred, was to fall to the complainer. Now the said James Baillie has not fulfilled the said act of caution, for Jean Henderson still dwells on his land, and so he ought to be decerned to pay the said amount to the complainer. Parties being called, and the complainer appearing by her brother, James Hamilton of Barncluthe, and the
defender not compearing, the Lords find that the said James Baillie has
violated his act of caution, as witnesses examined proved that the said
Jean Hendersoun has dwelt upon the lands of Parke this long time past,
and was still dwelling there within the last eight days, and ordain letters
to be issued against him for payment of the said penalty to the
complainer.

Supplication by James Crichtoun of Fendraught, as follows:—The
day appointed for the trial of the persons suspected of the burning of his
place of Fendraught is at hand, but all the persons whose depositions are
required for the clearing of the matter have not yet been examined, and
especially James Grant, whose information is believed to be of the highest
consequence, and who cannot possibly be brought here in time. He
therefore craves that the dyet be postponed. The Lords accordingly
ordain the Justice, Justice Clerk, and their deputes to continue the said
trial until the 15th June next, and to take new caution for the com-
parance of the criminals.

Supplication by Matthew Crichtoun, bailie depute of the barony of
Glencarne, as follows:—In a bailie court of the said barony which he
held on 31st December last, Thomas Paterson, son of the deceased Thomas
Patersone of Littlemark, was accused of stealing from Christian M’Conneill,
his mother, at various times during December, the sum of £19, and upon
his own confession was convicted not only of this theft, but of stealing
half a cheese from William Wilson’s house in Caldsdie, as the rolment of
court bears. He is but a young boy, and the crime of no great moment;
therefore the supplicant craves their Lordships’ advice as to what
sentence he should pass upon him. They ordain him to sentence the
said Thomas Paterson to be imprisoned and fed upon bread and water
for a month.

The Lords continue the protection formerly granted to Patrick, Lord
Lundores, for his safe attendance upon the Exchequer in reference to
the passing of an infeftment of the Lordship of Lundores until the last
day of February next, because the matter was not yet settled.

Continuance of protection to Patrick, Lord
Lundores.

"Charles R., Right, etc. We have heard of the perplexed estate where-

in the children of John Grant, late of Carrown, ar left by debts qhahair-

with their lands ar burdened in seeking our lawes aganis the committers

of his slaughters and by the controversie in law betuix some of their kins-

men in pretending to be their tutours, qhahairy the government of their

estait has beene hitherto neglected, so that if their creditor sould at

this tyme take a strict course for sueing for their whole moneys it

would altogether ruin the whole estait of the minors and leave thame in

a miserable condition. And whereas we ar informed that their nearest

kinsman doeth offer to pay yeerelie to their creditor s their annuelrents

and to give sufficient securitie to pay unto thame within a few number

of yeere their principall soumes, whiche offers seeming unto us to be

reasonable, and the consideratien of the untymelie death of the father

Whitehall,
17th January
1631.
Letter from his
Majesty anent
a provision for
the children of
John Grant, late of Carron.
and the present estait of the childrein, being (as we ar lykewayes informed) infants of 4 yeeres or thairabout of age, moving in us princelie compassionioun towards thame in so farre as is agreable to law and equitie, we ar hereby pleased to recommend thair caise unto yow, and to that effect to call the creditors before yow and propound unto thame the saids offers qubhairof if they will not accept we require yow to certifie us thairof togidder with your opinionis how farre we may caus proceed according to equitie and the lawes of that our kingdom for the good of the saids minors, without prejudice of the saids minors. Whiche recommending to your care we bid yow farewell. Frome our Court at Whithall the 17 of Januarie, 1631."

Sederunt—Chancellor; St. Andrewes; Privy Seal; Murrey; Seafort; Acta January 1631-May 1632. Lauderaill; Bishop of Dunkeld; Bishop of Dumbline; Tracquair; Fol. 37, a. Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Anent Mr. Haig's replies. Second, p. 112.

The ministers of the Palatinat.

Commission for surveying the laws.

Dr. Arthur Johnston.

"The Lords of Secret Counsell finds the replyes this day givin in to the answers made to Mr Haig his propositioun not to be satisfactorie, and thairfoir assignes to Mr Haig Tuisday nixt with his awne consent to make a full reply thairto."

"The Lords ordains the Bishops of Murrey and Dumbline and his Majesteis Advocat to goe to the town counsell of Edinburgh and to represent unto thame the distrest estait of the ministers of the Palatinat and to move and deale with thame for ane answerable suppliee."

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, Fol. 37, b. Advocat to our soverane Lord, produced unto the Lords of Privie Counsell ane commissioun under his Majesteis hand whilk wes delveryed unto him, as he affirmed, be William, Erle of Monteith, President of the Counsell, to be exhibite unto the saids Lords, conteaining ane warrand to some selected persons of everie estait for surveying of the lawes; whilk commissioun being read in the saids Lords audience they ordained the Directour of the Chancellarie to expedie the same and to write it to the great seale altho the commissioun beiris no suche warrand, quhereanent this act sall be unto the said Directour of the Chancellarie ane warrand."

"The whilk day there wes ane warrand past for payment to Doctour Johnstone of fyve hundreth merkes in satisfactiou of his panes and charges in his travellis to the north for visiting of James Grant."

[Sederunt as recorded above.]

Complaint at the instance of James Smith in Torrence and William Patersoun, messenger, as follows:—The said James obtained a decreet of poinding against Robert Dykes in Rutherglen before the Commissary of Glasgow for payment of a debt, and on 4th December last sent the said
messenger to charge him to make payment thereof. This charge being disregarded, on the 24th of that month the said complainers and some others assisting them went to the said Robert's malt kiln, and in virtue of the foresaid decree pointed certain malt there and carried it to the cross of Rutherglen. Having apprised it, they carried it back again to the kiln and filled a sack belonging to the complainer with as much of the malt as would satisfy the foresaid debt. But, as soon as the said Robert learned what they were doing, he hounded out against them Janet Wat, his wife, James Dyke, his son, Margaret Louke, and Alexander Mayne and Helen Towres, his wife, who came to the kiln, ―patt violent hands in the complainers, cruellie dammeist thame on the head with thair nieffes and with great schuiles strake thame to the ground, gave thame manie bloodie wounds thairwith on the armes, hands and other partes of thair bodie to the effusion of thair blood and perrell of thair lyffes, and maisterfullie refte frome thame the poyned malt foresaid, and so deforced the messinger in executioun of his office.‖ Charge having been given to the persons above-mentioned, and the pursuers appearing, and of the defenders, the said Robert and James Dyke, who produced a certificate under the hand of Mr. Robert Young, minister at Rutherglen, "testifying that the said Jonet Wat has contracted such ane infirmitie by bearing of ane barne that she is not able to travell on hors or foote," the Lords, after hearing parties and witnesses, ordain the said Robert and James Dyke to pay to James Smith the sum pointed for, and also to pay 40s. to each of the witnesses. They further excuse the absence of the said Janet.

Supplication by Thomas Lindsay, merchant burgess of Edinburgh, as Supplication by Thomas Lindsay, merchant burgess of Edinburgh, for a warrant to arrest Robert Fairlie, his apprentice, whom he charges with robbery, and who is now seeking to flee the country.

The petitioner investigated the matter and found his loss and damage to amount to £4000; while the said Robert, conscience-stricken and fearing the result of the discovery, has fled, and is looking for some ship to convey him out of the country. This will frustrate the petitioner of all redress, and he therefore craves that their lordships will grant him a commission and warrant empowering all his Majesty's ministers of justice to apprehend the said Robert wherever he may be found on land or ship, and imprison him until he be brought before their Lordships for trial. This the Lords grant with this declaration, that if the suppliant fails to substantiate his allegations he shall be censured by their Lordships, and make good to the party all expense and damage he shall have sustained thereby.
Complaint by Margaret Scot, widow of Mr. Robert Stevin, schoolmaster, as follows:—On 6th October last Mr. Alexander Stevin, "her unnatural son, and Anna Haig, his spouse, came to her house beside the Tolbooth of Edinburgh, belonging to her in liferent, "patt violent hands in her person, strake, hurt and woundit her with their hands and feeete in sindrie parts of her bodie, and her said sonne cruellie strake her with his knees on the backe and rapped her head frorne wall to wall, quhairthrow she hes ever sensyne susteaneed great pane and dollour in her head." Both parties compearing, and they and witnesses having been heard, the Lords find that the said Mr. Alexander Stevin "hes committed ane wrong aganis his mother, for the whiche the saids Lords ordains him to make payment to her of the soume of ten pundis, and to pay the same weekelie, twa merkes in the weike till the same be fullie payed."

"Ane Act recommending the distrest ministeris of the Pallatinat and their tymous reliefe to the charitable contributioun and benevolence of the people."

Sederunt—Chancellor; Præses; Privy Seal; Murrey; Wigtoun; Galloway; Seaft; Launderaill; Bishop of Dunkeld; Bishop of Dumblane; Lord Melvill; Lord Traquair; Clerk of Register; Advocate; Sir John Scot.

Recommendation by the Council for contributions towards the relief of the Palatinate ministers.

"The Lords of Secret Counsell ordains missives to be writtin to the Bishops desyryng thame to write and seriouslie to recommend to the ministers within thair several diocess a tymous and charitable contributioun to be collected for reliefe of the distrest ministers of the Palatinat, whos deplorable estate may appeare be their letters sent unto thame, and that the moneys to be collected in everie pariss be delveryed to the moderator of the presbyterie to be sent be thame heere to George Suttie and William Gray, merchants in Edinburgh, or anie one of thame in absence of the other, receivers appointed be the Counsell for that purpose, betuix and the last day of Apryle nixt; and ordains the Bishop of Murrey and Mr. William Struthers to caus make a booke and to carie the same to everie Counsellor and Sessioner and others of thair number to the intent they may insert thairin suche contributiouns as thay in thair charitie shall be pleased to vouchesafe."

"Forsameekle as it hes pleased the Kings Majestie to preferre Sir James Galloway, knight, Maister of Requets to his Majestie for this kyncombe, to be one of the Privie Counsell of the said kyncombe, and whereas the necessitie of his attendance upon his Majesties service at Court disables him to come heere to give the accustomed oaths of allledgeance and of a privie counsellour, and the Lords of Privie Counsell being loath that this necessarie occasion of the said Sir James his absence shall prejudice him of that favour whilk his Majestie hes beene pleased to vouchesafe upon him, thairfoir the saids Lords hes givin and
grantit, and by these presents gives and grants, commissioun and warrand
to William, Erle of Morton, Lord Thesaurar of this kingdome, Williame,
Erle of Monteilh, President of the Counsell of the said kingdome, James,
Marques of Hamilton, Robert, Erle of Roxburgh, and Sir William Alekander, knight, his Majesteis principall Secretarie of the said king-
dome, or anie one of thame with the said Sir Williame Alexander, to
minister unto the said Sir James the oaths of alledgegence and of a privie
counsellour, and that the said Sir Williame make ane note and act thair-
upon and report the same to be insert and registrat in the bookes of the
Privie Counsell of this kingdome for the said Sir James his forder
warrand.”

“The whilk day the missive letter underwrittin signed be the Kings
Majestie and directed to the Lords of Privie Counsell wes presented to
the saids Lords and read in thair audience, of the quhilck the tennour
followes:—Charles R. Right tristie and right weilbelovit cousine and
counsellour, right tristie and weilbelovit cousines and counsellours, right
tristie and weilbelovit counsellours and tristie and weilbelovit coun-
sellours, we greit yow weill. Whereas we ar informed that in regarde
of the death of the lait Lord Oliphant without leaving anie heires male
lawfull procreat of his bodie to succeed unto his title of honnour there is
a questioun fallin out betuix Ladie Anna Oliphant, his daughter and
heire of blood, and one Patrik Oliphant, pretending right to the said
title by tailyie or disposițioun flowing from the said late Lord, by whiche
he assumes title and place, and being lykeways informed that processe is
alreadie intendit before the judge ordinar for decyding of the saids
parteis rights, it is our expresse will and pleasure to the effect we be
neither wronged in our princelie prerogative nor either partie in thair
rights that yow upon sight heirof in our name discharge both the saids
parteis from presooming to usurpe or take upon thame the said title or
place unto suche tyme as by the judge ordinarie it be legallie decyded
unto whome the said title and place doeth lawfullie perteane; and for
your so doing these presents sall be your sufficient warrand. From our
Court at Whitehall the 7 of Januarie, 1631. Unto the whilk missive
the said Patrik Oliphant and Sir James Douglas, spous to the said Ladie
Anna, and in her name being warned to compeer and answere, and they
compeairnd both personallie, and his Majesteis direction, will and
pleasure mentionned in the said missive being intimat to the said Patrik
Oliphant, he with all dew respect promest to obey and to conforme
himself to his Majesteis will and pleasure mentionned in the said
letter.”

[Sederunt as recorded above.]

On a supplication by John Leslie, younger of Pitcaple, the Lords, after
hearing Fendraught thereanent, ordain William Murrey, presently
prisoner in the tolbooth of Edinburgh, to be put to liberty, and John Meldrum and Richard Mowat to be still detained in ward, at whose charges they will determine on Tuesday next. Further, the Lords supercede all trial and examination of the said parties and witnesses in the matter of the burning of Fendraught until 15th June next, reserving, however, power to themselves to call, try and examine upon emergent occasions as their Lordships shall find cause.

Complaint by Patrick Wilson in Eckkie as follows:—On 9th instant, being Sunday, Patrick Angus of Foulfordleyes came to the complainer upon the muir of Cockburnspeth, pursued him with a whinger, and struck at him therewith several times. The complainer having seized the whinger and also taken hold of the said John, “he threw the whinger out of his hand and strake him therewith on the arme and hand to the effusioun of his blood.” Both parties compearing and probation being referred to the defender’s oath of verity, who denied the accusation, the Lords assolzie him.

“Ament the pettioun gevin be Williame Dik and M’ John Dik, his son, takkismen of the earldome of Orkney and lوردship of Yetland, craveing the Counsellis advyse what punishment salbe inflictit for mutilatioun within the saidis boundis, ordanis the judge to pronounce dome of banishment aganis the criminal and to mak satisfactioun to the pairty according to the habilita.”

“That M’ James Ferquharson be warnit to be heir the morne and to gif interrogatoris yf he ony hes in name of the Lord Gordoun aganis Magdalene Innes.”

In connection with the commission for taking the oath of Sir James Galloway, it is here added—“And that a missive be writtin to the Secretair showing that Somersait was ressessed in presence of the King and to consult his Majestie if he will vouchsafe the lyke favour to Sir James.”

[Sic] Chancellor; Privy Seal; Lauderdale; Bishop of Dunkeld; Bishop of Dunblane; Lord Tracquair; Secretary; Clerk of Register; Advocate.

“After our verie heartlie commendatiouns. Whereas one Robert Elliot, now fugitive for thift, being some moneths agoe apprehendit and committed in the jayle of Jedburgh for some thifts quhairof he is suspect guiltie and he being sett at libertie upon band for his reentrie within the said jayle whenever he sould be charged to that effect, he, fearing the event of his tryell and taking upon him the ignominie and guilt of the crymes quhairof he wes suspect and delate [sic], he is now become fugitive and as we ar informed is for some misdemeaurs prisoner in your tolbuth at Carlill. And quhairsit it wer ane great iniquitie and injustice that suche ane notable malefactour sould escape his deserved punishment
quhilk will be more exemplar in this kingdome quhair his thifis were so frequent and publict nor in anie part ellis where, these ar thairfoir to request and desire yow to delyver the said Robert to the shireff of Tiviotdale or to the mayor of Jedburgh, or to anie in their names having their power to receave him, to the intent he may be brought heere to his tryell and punishment; or otherways if he be apprehendit within your bounds for anie capittall cryme that yow have a care that he be not sett at libertie till he undergoe his deserved punishment. Quhilk recommending unto yow as a peece of service that will be verie acceptable to his Majestie, we commit yow to God. Frome Halyruithous, 22 January, 1631. Subscribitur, Geo: Dupline, Cance., Monteith, Hadintoun, Landerdaill, Traquaire, Arch. Achesone, S't Thomas Hope.

Sederunt—Chancellor; President; Privy Seal; Murrey; Wintoun; Holyrood House, 25th January 1631. Secafort; Galloway; Bishop of Dunkeld; Bishop of Dumblane; Lord Melvill; Lord Traquair; Secretory; Clerk of Register; Advocate; Sir John Soot.

"The Lords of Secret Counsell having heard and considderit the propositioun made be M' Haig for regulertying of the tax rollis with the answers and replyes made thairto, the Lords finds that the overtour made be M' Haig is not to be embraced nor the course projected feaseble nor for the good of his Majestie's service, and thairfoir ordains ane letter to be drawin up acquainting his Majestie with the tref estate of the bussines and how the informer hes beene mistakin in his grounds, of the whilk letter the tennour followes:

"Most sacred Soverane, It pleased your Majestie by letter of the dict, the 19 day of October last, upon ane motion made be M' Haig, your Majestie Sollicitour, alluding some errour to be committed in directing the rollis of taxatioun for benefices and burrowes, to command us to advert seriouslie to the making of the tax rollis of this present taxatioun and to see the errour, if anie be thairin, amendit; quhairof we being most carefull according to our dewartfull obedience did caus the said M' Haig sett doune in writt the ground and reasouns of his propositioun, to the whilkis answere was made in writt, and tyme assigned to him to reply thairto, whairin he had advice and assistance of your Majestie's Advocat, who had a speciall warrand from your Majestie to that effect; and thereafter the whole whiche was writtin being read in full audience and the said M' Haig with your Majestie's Advocat being heard to reasoun thereanent, vivo voce, in end the mater being narroowie looked unto and digestedlie advised, it was found be the unanime consent and whole voices of the table (ane onelie except who wes non liquet) that M' Haig wes mistaken in his grounds and thairupon buildit ane false conclusion whilkis could not be warranted be the Acts of Parliament nor Conventioun. For the first ground he layed is this, that the barons part, whilk
is ane twa part of the halfe, sould rule and square the other twa estates of benefices and burrowes, qubahirupoun he inferres that seinng the barons payes more nor their twa part that theirfoir the benefices and burrowes sould pay proportionallie more nor their part, quhilk is ane meere fallacie and contrarie to the Acts of Parliament and Conventiouns quhilks ar the warrand of the taxatioun, whairby the taxt of everie estate is determined be the awne severall and distinct portioun without respect to anie proportioun of halfe, thrid part or twa part of the other halfe, sua that the taxt rollis of everie estait must be directed according to the owne severall grants and cannot be exceedit. And where M' Haig urges the divisioon of the taxatiouns among the three estaitis according to the proportioun of one halfe for the benefices, and the twa part of the other halfe for the barons, and the thrid part of that same halfe for the burrowes, it is trew that this proportioun was observed in preceeding taxatiouns where ane totall and definite soume was grantit; and ytt when the barons wer taxt to ane twa part of the halfe there was ane speciall warrand of Parliament for uplifting of ane certane soume of ilke pund land in satisfactioun of thair twa part, quhilk soume of ilke pund land being calculat togidder exceedit thair twa part be a thrid, quhilk made these who had the care of the affaires of estait for the tyme in succeedin taxatiouns to absteane frome ane certane soume divisible be the foresaids proportiouns least the barons who payed more nor thair twa part of the halfe sould crave the superplus to be rebated to thame. And now that whilk in so great prudence was caried for the good of your Majestie service is drawin in debate be this new motioun whiche can never benefit your Majestie but may unhappilie give occasioun to the barons to compleane of disproportioun and so diminishie your Majestie taxatiouns. The other ground qubahirupoun M' Haig founds his motioun is, that as smuch was exacted of benefices and burrowes under the name of taxt as would equall the excesse of the barons pund lands, and theirfoir still he urges that the rollis may be ruled according to that proportioun. Qubahirin we find this grosse errouer that he distinguishes not that whilk was exacted by warrand of the Act of taxatioun frome that whilk was exacted unjustlie and without warrand. And albeit the superplus quhilk was exacted under the name of taxatioun without warrand may be callit to ane accompl, ytt we cannot thinke that the bypast exactioun made unjustlie and without ane warrand can be ane ground whairupoun to augment and increase the taxt of that estait heereafter. All whiche we having remonstrated to the said M' Haig and having laboured with resoun to convince his error ytt we find him so pertinaciously weddit to his awne opinioun that he will not suffer the doubts to be cleered; and theirfoir we doe humbelle acquaint your Majestie with the trew estait of the business and with the ground of M' Haigs mistaking and our awne judgements theirin; in respect whairof we thinke the mending of the rollis to be rather lawfull nor feseable. And ytt in the meane
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"The whilk day the missive letter underwrittin, signed be the Kings Majesty and directed to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the whilk missive the tennour followes:—CHARLES R. Right trustie and right weelbelovit cousine and counsellour, right trustie and weelbelovit cousines and counsellours, and right trustie and weelbelovit counsellours, we gret yow weill. We understand by your letter how good a service is done unto us by our right trustie and weelbelovit cousine and counsellour, the Erle of Murrey, in apprehending of James Grant, the rebell, and his complices, whiche we acknowledge and will esteeme thairof as it doeth deserve. But seing we conceave that a person of his qualitie could not have so subsisted or procedit herein without the aide or encouragement of others, as this service hes made ane end of his treacherous and malicious course, so to prevent by the punishing of this the attempting of anie the lyke hereafter, our pleasure is that yow caus examine the said James, if he be alvy, or anie others that adhered unto him, of the meanes how he hath beene supported, that order may be takin with all that have contributed anie volunterie helpe for assisting of him in so farre as the lawes of that our kingdome will allow. And in the meane tyme, seing our said cousines commissioun hath produced so good effects, our further pleasure is that nothing be done to the prejudice thairof but that it stand in full force and effect till the expyryng of the same. And so not doubting of your care heerin, we bid yow fareweill. Frome our Court at Whitehall the seventh day of Januarie, 1631. Quhilk missive being heard and considerit be the saids Lords, and they weill advised thairwith, the Lords of Secret Counsell will conforme thameselfis to his Majestis will exprest in the said missive and give obedience thairunto in everie point."

Complaint by William, Earl of Mortoun, Lord High Treasurer of Scotland, John, Lord Stewart of Tracquair, Depute Treasurer, and Sir Thomas Hope of Craighall, his Majesty’s Advocate, as follows:—Though the bearing of bagbutts and pistols has been prohibited by law, yet John Urquhart of Lathers, Walter Forbes of Thainstoun, Thomas Arekine of Balhaggartie, William Arekine of Tucharn, Alexander Arekine of Dalreithin, George Leith, apparent of Overhall, Alexander Leith, apparent of Comptiswalls, Alexander Straughain of Glenkindie, Sir Alexander Hay of Delgatie, Alexander Gordoun of Dunkintie, Basteill Inneis at the...
Mill of Wartill, Alexander Gordoun, sier of Abiryeldie, John Gordoun of Innermerkie, John Johnestoun of Toscheills, Normand Leslie of Tullock, John Leslie of Pitcape, Alexander Leslie of Auquhorsk, Patrick Leslie of Legatsden, Mr. William Chalmers of Easter Disblair, William Seatoun, apparent of Wester Disblair, George Gordoun, younger of Geicht, John Turing of Foverne, George Leslie, apparent of Kincrage, James Leslie, his brother, John Gordoun of Ardlogie, John and Nathaniel Gordoun, his sons, Mr. Thomas Gordoun of Pendreiche, John Gordoun of Parke, and David Gordoun, his brother, in contempt of the said law have worn and do still wear hagbuts and pistols in their riding and going through the country for which they ought to be punished. Being cited, there compared the Laird of Foveran, John and Nathaniel Gordoun, sons to Ardlogie, John Gordoun of Parke, Thomas Areskine of Balhaggartie, John Gordoun of Innermerkie, William Gordoun, apparent of Geicht, George Leith of Overhall, Alexander Leslie of Auquhorsk, Sir Alexander Hay of Delgatie, William Seatoun of Disblair, Alexander Areskine of Darlathin, John Leslie, younger of Pitcape, Patrik Leslie in Legatsden, Bastell Inneis, Normand Leslie, Mr. Thomas Gordoun, Walter Forbes and John Johnestoun, and the probation being referred to their own oaths of veritie, the Laird of Foverne granted the carrying of a hagbut for shooting for hawk's meat since Lammas last, and was fined £40; John Gordoun of Parke owned shooting with hagbuts at wild fowl within his own lands, and was fined £40; George Leith acknowledged carrying pistols for his defence against Wardes and Newton, and was fined 50 merks; Alexander Leslie admitted carrying hagbuts since Lammas, and is fined £20; the Laird of Delgatie confesses carrying pistols, and is fined £40; William Seatoun of Disblair admits carrying pistols after James Grant robbed Mr. Robert Udnie, and is fined £20: Pitcape, younger, and Patrick Leslie admit carrying pistols since the hurting of James Leslie, and are fined each £40; Mr. Thomas Gordoun acknowledges that he carried pistols at the burning of Fendraught and at the burial thereafter, and is fined 50 merks; and Walter Forbes, granting that he has worn pistols for fear of James Grant, is fined £20. Besides these Alexander Leslie in Durlathin is fined 40 merks, and Bestiall Inneis, 20 merks. John and Nathaniel Gordoun, sons to Ardlogie, William Gordoun of Geicht, Thomas Areskine, John Gordoun of Innermerke, and John Johnestoun of Buckheids are assoilized on their denial. The Laird of Kincrage having offered to compone for his two sons, the Lords fine them £40; and they excuse the non-compearence of William Areskine of Tocher, on a "testimonial" being produced of his sickness. The others who did not compear they ordain to be put to the horn.

Similar caution by George Leith of Overhall and Bestiall Innes at the Mill of , each in 500 merks.

"The quhilk day compeirit Alexander Gordoun of Dunkintie be Walter Hay; George and James Lesleis be Kincragie, thair fader; Mr. House, 26th January 1631. William Chalmer be Pitcape, elder; Johne Urquhart of Lethers be Alexander Lintoun; Alexander Gordoun of Aberyeldie be Mr. Johne Rig, to whom the Lords assignis the second of Marche for thair conpeirance anent the bearing of pistollettis."

"The Lordis nominatis the Bishop of Dumblane, the Clerk of Register, Advocate and Justice, or ony tua of thame, to examine the witnesses John Neill. produceit be Johne Neill."

"After our verie heartlie commendationis to your good lordship. Whereas the kings Majestie hes beene pleased to preferre Sir James Galloway, knight, Maister of Requesits to his Majestie for this kingdome, to be one of the Privie Counsell of the same, and seeing the necessitie of his attendance upon his Majestis service at Court disables him to come heere to give the accustomed oath of alledgeance and of a privie counsellour, we have thairfoir exped ane commission to some of his Majestis Privie Counsell being there and to your lordship for administering the oaths foresaid unto the said Sir James; and whereas in the lyke caise when the Erle of Somerset wes made a counsellour of this kingdome his late Majestie was pleased for the better graceing of the said Erle to administre unto him the oath himseife in his awne chamber we will request your good lordship to consult his Majestie if he will be pleased to vouchsafe the lyke favour to the said Sir James, otherways that your lordship will caus his oath to be tane according to the warrand hearewith sent to your lordship. And so, with the remembrance of our best affections, committing your lordship to the protectioun of God, we rest. Halyrudhous 25 January 1631. Subscribitur, Geo: Cancell, Monteth, Wintoun, Seafort, Hamiltoun, S' Thomas Hop.

"The Lords allows Robert Bewlie, servitour to the Lord Ogilvie, to Robert returne home to his service."

"The quhilk day James Crichtoun of Fendraucht undertooke to exhibite Alexander Bythe with convenient diligence, also alsa to send for Androw Bewlie."

Hous, at nyne of the clocke."

"Forsameekle as the Lords of Privie Counsell considering that altho be the expresse words and tenour of the Act of Estaits anent the taxation grantit to his Majestie in the moneth of July last the shireffs, thair deputes and clerkes, bailleis of regalieis and provest and bailleis of the free burrowes within this kyndome wer ordained to have halden courts at the tymes appointed in the said Act for receaving inventars of all lent money within the bounds of their offices, yitt there is great numbers of his Majestis subjects who not of purpose and intentioun (as they alledge and as is probable) to disappoint his Majestie of his dew rent of thair money, but being necessarillie distracted upon manie interveening occasiouns, as the unseasonable weather, the farre distance of the place of their residence fra the parts where thair courts wer heldin and upon manie others occasiouns, hes neglected to give in thair inventars in dew tyme, and ar now verie willing to give thame faithfullie up, quhilks the clerkes and others whome it concernes refuse to receave, quhilk will be ane verie great hinder and prejudice to his Majestie and vexatioun to the lieges without remeid be provydit; thairfoir the saids Lords have given and grantit and be the tennour heirof gives and grants thair warrand and commission to George, Vicount of Dupline, Lord High Chancellor of this kyndome and Collectour-generall of the said taxation, to nominat and appoint his depute, George Hay of Kirkland, for whome he sall be answerable, and who sall reside at Halyrudhous to receave fra his Majestis subjects all suche inventars for the first terme of the said taxation as sall be givin in to thame betuix and the last day of Apryle nixtocomce, togidder with the moneys dew to be payed furth of the saids inventars for the said first terme, notwithstanding anie claus or article conteanned in the Act of the Estaites made anent the upgiving of the saids inventars, quhereanent the saids Lords dispensee be thir presents; and ordains letters to be direct to make publicacion heirof at all places neidfull, whairthrow nane pretend ignorance of the same."

"Forsameekle as there is manie cleere and pregnant presumptiouns aganis Thomas Davidsone, prisouner in the tolbuith of Dysert, that he hes beene accessorie to the killing of his awne wife, for the cleearing whairof necessar it is that he be confronted with his adulteresse, now prisouner in the tolbuith of Edinburgh, thairfoir ordains letters to be direct charging the bailleis of Dysert to bring, present and exhibithe the said Thomas before the saids Lords upoun the day of Februarie nixt to the effect abonestesin within the pane of rebellion, etc., with certificatioun, etc."

"Forsameekle as ane proposition hes beene made to the Kingis Majestie for erecting of lyghts upon the Yle of the May as ane thing thought to be most necessarie and expedient for the saulfetie of shippes
Arriving within the Firth; and the Lords of Privie Counsell being careful to be trewlie informed anent the expediency of this proposition, thairfor the saids Lords ordains letters to be direct charging the provest and bailleis of Edinburgh, Dundie, S't Andrewes, Carraill, Anstruther Easter and Wester, Pittinweeme, Dysert, Kirkaldie, Kingorne and Bruntilland to send some commissioners thame to the Lords of Privie Counsell upon the first day of Marche nixt to give their advice and opinion anent the expediency of the said proposition, with intimation as efferis. Followes his Majesteis missive for warrant of the act abone-writtin:—Charles R. Right trustie and weilbelovit cousin and counsellour, right trustie and weilbelovit cousins and counsellours, and right trustie and weilbelovit counsellours, we greet yow weill. Whereas we have beene moved upon the inclosed petition for giving way to erect lights in the Ylland of May in the Firth of Forth as a purpose expedient for preventing of shipwrackes thereabouts, wherein respecting the good and saftie of our subjects we ar heriby pleased to remitt the consideration of the petition unto yow, that (having perused the same and hearkned to what can be further propounded to yow tuicheing that purpose) yow may resolve, if there be ane expediency for erecting of these lights and of the meanes and wayes to kepe the same; and if yow find it necessarie and a willingnesse in suche of our subjects as ar most interested thairin to pay suche a dawtie to the same as yow and they can best condescend upon, that a patent be drawin up for our signature heere or to passe our caschet the for yow sall thinke fitt for the petitioner and that for suche number of yeeres for suche a dawtie to be imposed, according to the shippes burdein, and suche other limitations and provisionis as yow sall thinke fitt to prescribe for the good of our kynsdome and saulfetie of our subjects. We bid yow heartlie farewell. From our Court at Whitehall the 25 of November, 1630."

[Sederunt as recorded above.]

Supplication by John Charters of Reddinwod as follows:—In November last his barn at Reddinwode was set on fire under cloud and silence of night and burnt to ashes with 60 bolls of victual "of Nithisdalit met" which were therein. He has "manie cleere and pregnant presumptious that Rosie Aitkine . . . . John Robsoun, her son, and Jonnet Robsoun wer speciall actors" in this deed, and at their examinations there were "so manie cleere contrarieteis found in thair depositionis as argues ane infallible guiltines in thame." As such crimes merit "the most exact tryell that the wit of man can devise," he craves warrant for the apprehension of these persons and sending them hither for examination. The Lords grant a commission to Sir John Charters of Amisfeild, Sir Robert Greir of Lag, and the provost and bailies of Dumfries, or any three of them, Lag or Amisfeild being one of the
three, to examine the persons complained upon as to the said burning, receive what evidence the said John Charters is able to bring against them, confronting them one with the other, and to report their depositions in writing to the Lords, who shall then give such further direction as the circumstances of the case shall require.

Supplication by John Traill of Blebo as follows:—He is so very hardly pressed by his creditors that he is unable to take any steps for their satisfaction, though, as is well known, he has land and rent more than enough to pay all his indebtedness. He had placed the matter in the hands of some of his friends, but they had proved “verie undewtfull and negligent therein,” having secured themselves and neglected the rest of his creditors. Accordingly he must take the matter into his own hands, and he is resolved to sell the best of his lands in order to satisfy his creditors, but he cannot do so unless their Lordships grant him their warrant to come to Edinburgh and remain there for some time for this purpose; which he craves. The Lords grant him a protection for six weeks after the date hereof.

Complaint by Mr. Andrew Hamilton, minister at Kilbarquhane, as follows:—On 13th December last he employed John M`Burchie, messenger, to execute a decreet of poinding against one of his parishioners, James Paterson in Auchnames, who, when the messenger appeared at his dwelling-house and poinded certain goods, violently deforced him. Paterson then went to Patrick Crawford of Auchnames and Dame Margaret Houstoun, his mother, and told them what had taken place, and they, knowing the said messenger was to execute a new poinding on the morrow, hounded out the said James Paterson, William and John Paterson, his brothers, and Beassie and Elspet Paterson, his sisters, to lie in wait for the complainer in the highway, armed with swords, staves, and other weapons; and they as soon as they perceived the complainer “fiercelie sett upon him, compelled his twa sones and the messinger to flee for feare of their lyffes, and without respect to the compleener, thair pastour, shamefullie and disgracefullie strake him upon the bace with thair swords, stalffes and battones be the whole space of ane quarter of ane myle untill at last he wes forced to flee in to ane houes, where they had not failed to have killid him, if ane honest man perceaving thair cruell purpose had not brought him ane horse and so convoyed him out of thair handas.” Charge having been given to the persons above complained upon and to Margaret King, and the pursuer compareing, who declared that he passed from that part of his complaint against the said Dame Margaret Howstoun, Lady Auchnames, and the said Patrick Crawford also compareing, but none of the other defenders, the Lords decern as follows:—Probation in the matter of hounding out being referred to the oath of the said Patrick Crawford, he denied the charge, and is assolzied. Against the Patersons certain witnesses were produced on whose testimony the Lords found that they struck the
said pursuer "with their swords in the skaberts and with battouns and stones," thereby committing a very great offence against him, and the Lords therefore ordain them to be charged to enter in ward within the tolbooth of Edinburgh within six days on pain of horning and remain there until order be taken with them for this offence. No further mention is made of Margaret King. The Lords order 5 merks to be paid to each of the witnesses by the producer.

Supplication by William, Earl of Angus, Lord of the regality of Bothwell, as follows:—The term appointed for the upgiving of the inventories of lent moneys and annualrents due for the same was never intimated to the inhabitants of the said lordship or they would have obeyed the injunction, and a further day is craved for their upgiving. The Lords accordingly give warrant to the clerks and all others whom this matter concerns to receive the inventories of the inhabitants of the said lordship of Bothwell, and also of that part of his Majesty's taxation granted in July last, notwithstanding the expiry of the appointed term, provided they be given up before 30th April next.

Supplication by James, Earl of Abercorn, as follows:—He had in a former petition to their Lordships represented the necessity of the Countess of Abercorn, his mother, coming to Edinburgh, for settling with the advice of their legal advisers the state of his own house, of which she has had the charge since the death of his father, and the provisions of his brother and sisters, when their Lordships granted their warrant for that effect until 2nd February. Though they have been as busy and anxious as possible to bring matters to a conclusion, they have not succeeded, yet some reasonable progress has been made. Without his mother's presence, however, nothing can be effected, and he therefore craves an extension of the protection. This the Lords grant till first April next.

“A commission and warand to the baillies of Dysart to trans-Porte hither Thomas Davidson who is presentlie in thair handis to be confronted with his adulteresse tuouching the exposing of ane bastard barne, and being accessorie to the killing of his awne wyffe.”

“A commission under his Majestis hand past this day in Counsell for uplifting of a certane clutie of all passingeris and goodis passing alangis the bridge or through[h] the foorde of Dalkeyth for repairing of the bridge thairof, whilk signator the Lordis ordanis to remayne in the Clerkis handis til the commisioneris to be appointed for that purpois gif thair compeirance befoir the Counsell and act thameselfliis for imployment of the moneyis so to be leveyed towards the reparatioun and uphalding of the said bridge.”

“A missive from his Majestie in favouris of Glenmoreiston for relaxing him frome the hoiringis used aganis him be the Earle of Murray, his Majestis lieutenent in the northe, upon caution to be
found for his appearence before the Justice; and in regard by a letter to be written to his Majestie craving the signification of his Majestie's pleasur concerning that mater."

"A missive from his Majestie for erecting of a beacon in the Isle of the May."

The Minute Book of Processes gives the following memoranda collectively for the month of January 1631:—

Letters to cite Fergus Grahame of Ballwood [sic] to appeir before the Counsell to satisfie the severall debts for whiche he was denounced rebell.

Suplicatioun: Maireoun Watsone and utheris against the Laird of Dunycape for ane warrand to the Justice Clerk to desert the dyet of proces.

Suplicatioun: Lowries against Duthie and utheris.

Suplicatioun: Lowries against Duthie and utheris. Prorogatioun of ane protectione in favours of Craigiewalce.

Suplicatioun: Complent of ryott; Scott against Hersone.

Suplicatioun: Dowglaes of Stanypeth for advyce of certane persone commissioanet to pas upoun ane thift.

Suplicatioun: Prorogatioun of ane Act ordeanein Mr. Joseph Lowrie, minister at Stirling, to enter in waird within Glasgow.

Suplicatioun: Prorogatioun of protectiou for the Lord Lindor.

Suplicatioun: the baillyie deput of Glencairne for advyce from the Lords of Counsell anent the crimainl persute against Thomas Patersone.

Suplicatioun: Crichtoun of Frendraucht for ane warrand to the Justice Clerk to prorogat ane dyet of proces.

Deforcement: James Smith against Robert Dykas.

Deforcement and Ryott: M' Andrew Hamilton against James Patersone.

Sederunt.——Chancellor; President; Privy Seal; Murrey; Gallo; Acta January 1631. — May 1632.

way; Seaft; Lauderdale; Bishop of Dunkeld; Bishop of Dunblane; Lord Gordoun; Lord Areskie; Lord Melvill; Lord Trescair; Secretary; Advocate; Justice Clerk; Sir John Scoot.

"The Lords ordains Margaret Wod to be putt to the tortour of the bootes the morne at ten of the clocke in the laich Counsell-hous of Edinburgh, and that the whole Counsell be present when

1 Here ends the Register of the Minute Book of Processes.
the tortour is givin; and continewes their resolutioun anent the
torturing of Johne Meldrum and Johne Toshauche till Thursday
nixt.”

“The Lords allowes the Ladie Fendraucht, Magdalene Inneis and
Christiane Chalmers to returne home; and the Laird of Fendraucht
obleist himselfe for exhibioutn of Christiane Chalmers when he sall be
required betuix and Witsunday nixt.”

[Sederunt as recorded above with the addition of Wintoun.]

For the better enabling of Sir John Scot of Newburgh to come to
terms with Andrew Scot, chirurgeon, Burgess of Edinburgh, who has
presently the management of his whole estate and living, as well as for
satisfying the rest of his creditors, the Lords grant him their protection
to come to and remain in Edinburgh until the last day of February.

Similar protection granted to Sir George Home of Manderstoun till
31st March next for pursuit of such persons as have practised against
his life and estate by witchcraft.

Supplication by Sir John Seatoun of Barns and Mr. James Cooke,
burne, provost of Hadintosh, to whom their Lordships gave commission
for the trial of Adam Bredie, son of John Bredie of Friedykes, Robert
Bredie, son of Walter Bredie of Birkeleuch, and the said John Bredie,
for the theft of seven sheep belonging to Arthur Douglas of Stanypeth
with orders to report the process of their conviction, as follows:—They
had fenced a court in the tolbooth of Hadintosh and put the said
persons upon trial, and the said Adam was found guilty of the theft of
the sheep, and John and Robert of being art and part therein as
counsellors and houders out of the said Adam; and they crave direction
as to what sentence they will pronounce. The Lords ordain the peti-
tioners to pronounce sentence of banishment from this kingdom upon
the foresaid criminals, and to take them acted to depart hence within
twenty days after being released from ward and not to return again
without his Majesty’s licence.

[In the Sederunt here, Wyntoun appears.]

“The quhilk day his Majestie Advocate produceit a new commissioun
for the Surrendars and Teyndis under his Majestie hand aggreable in all
to the formar without ony change except onlie of the quorum frome
three to sax; whilk commissioun wees delyverit to Sir Johne Scott to be
exped the Chancellarie.”

“After our verie heartilie commendationis to your good lordship,
By this inclosed copie of a letter frome the distrest and exiled minister
of the Palatinat your lordship will perceave with what great calamities
and miserie they have beene afflictet thir diverse yeeres bygane, the
consideration quhair of moved his sacred Majestie out of trew pitie and compassion of their distresses to give order for a generall collection to be made throughout all the kirks of his kingdome of England suche as the charitable devotions and liberalitie of his subjects in so important a caus sould affoord, and his Majestie by his letter hes recommendit the lyke course and order to be followed out heere. And whereas this is ane worke of christianie charitie quhairunto we ar in good hope that all religiouslie disposed persons will frankelie and willinglie contribute, these ar thairfor to request and desire your good lordship to recommend this mater to the ministers within your dioce and to will thame to recommend it to the charitable devotiuon of their particular flockes, and that some short tymbe be appointed for collecting thairof within everie parish, and that the moneys levied in everie parish be delveryed to the moderatour of the presbytery to be sent in be him to George Suttie and William Gray, merchants burgesses of Edinburgh, or anie ane of thame in absence of the other, who ar appointed by his Majestie Counsell to be receavers thairof, and that this be reallie done betuix and the last day of Apryle nixtcome; becaus the importance of the bussines is suche as can suffer no delay. And not doubting bot your lordship will be more solist and carefull in this bussines nor we can write, we committe your lordship to God. From Halyrudhous the first of Februarie, 1631. Sic subscribitur, Geo: Cancell, Monteth, Hadintoun, Morrey, Galloway, Seafort, Lauderdaill, Gordoun."

Followes the letter abonementiouned:—

Gratia et pax a Domino Deo nostro.
refocillandorum, immisericordia quorundam receptatorum tyrannica
quadam violentia indignissime et abjectissime nostreates exagitantium, et
quantum non ut a mancipis servitut indeterminata exigentium, summa
rabies nonnullorum pastorum Luthernorum, populum non modo in
pessimum affectum, tanquam furiae et alastores incitantium, et contra
nos moventium; sed etiam inani quodam barbarie denegantium
officia christiane seputurae, nosque tanquam atheos, pacis publice
inhabitantes, ipso cacodemone deteriores, sine modo proscibere ac sedibus
exili sui pellere satagentium, persuadentium sibi, nobis defloriscentibus
aut prorsus sublatiis, ipsorum res egregie processurae, sibique ex voto
redituram pulchritudinem pacis et suavissimam quietem. Hae et
sexcenta alia nobis vitam invitam et exilium per se satis acerbum reddunt
acerbias ac efficiunt ut sepe cum psalte optemus alas columbariae ad
evandum quam longissime commoraturi in desertu ut eripiamur ab
absurdis et protervias istis hominibus. Sed qua via? Hec! hoc opus;
hic labor. Iterum cum Davide suspiremus necesse est: perit effugium,
quounque itinere pergamus; abdiderunt hostes laqueum nobis. Quid
multis? altius vix ire potest afflictio; si insisteremus celsissimo monti,
magnitudinem et multitudinem omnium miseriaurum spispcre non
possemus. Hae cum ita sint, cum undique ab hostibus circumculsi
sumus, et indigenis odio tanquam avibus ululce, nec inter illos quisquam
sit qui haec recognoscat nec ullo sensu calamitatis nostrae afficiatur, sive
respicias ad dextram sive ad sinistram; nec sequam ut ididentem
fatiemus munificas istas ecclesias, quorum beneficentiam aliquoties
experti sumus, nec etiam cum cicadis rore vesci possimus. Non
arbitrarmur nobis vitio dari posse, si denuo subsidii alicujus gratia
invercundius pium vestrum propositum urgeamus, quod numero illo de
colligenda universale eleemosyna per singula regna munificentissimi
exulum regis ad renovata et promulgata diplomata nihil sufflaminatum
et dilatum videtur. Non est quidem de nihil ex Anglia auram satis
benignam nobis affaire, pro qua merito debitas justasque agimus gratias
Deo, regi et omnibus regni benefactoribus; sed χάρος hae, quantacunque
est, in tanta exulum multitudine vix sufficit pani quotidiano comparando,
nedum mercedi locationis vestimentiis allisquie rebus plurimis quorum
accesione vita hae carere non potest. Cum autem certum sit nunquam
ita caute collectas administrari et distribui posse etiam ab optimo
dispensatore quin ratio administrandi sit obnoxia sinistris rumoribus
presertim si distributio fuerit juxta proportionem gravetanam[?] quam
observare jussi sumus, visum fuit hic includere catalogum exulum cujus
in proximis literis facta est mentio et quorum numerus, recensitis
singularum familiarum capitibus, tum excurrebat ultra septingentes
diversae etatis et sexus personas nunc vero paulum inminutus ob deleta
nomina eorum qui interea temporis aut fatis concessere aut aliorum ad
functiones promoti sunt. Quod nobiscum non subscriperint omnes
coexules collectam participantes nemo miretur. Sunt enim tam longe Ro
ingue per diversas Superiores et Inferiores Germaniae ditiones dispersae
ut impossibile sit omnium subscriptiones cogere. Ut autem et hac in
parte constaret nos bona fide tanquam in conspectu Dei et hominum
agere, quosdam precipue auctoritatis municipes hujus urbis aliosque
singulari zelo orthodoxe religioni et pietati addictos (qui maximam
partem ultra quadriennia his collectae negotiis egregiam operam navarunt)
requisivimus et rogavimus ut relationem hanc nostram acceptance
quadam peculiari scripto comprehensam et subscriptione nominum
suorum ratam facerent. Id quod etiam nullo negotio (utpote quibus
nostra integritas non ignota est) impetravimus, ut videre est ex adjuncta
formula quam eo libentius transmittimus, ut ex omni parte veritas
respondeat dictis, nostrasque querimonias non esse familiares nenia nec
ascendentes esse epidemicum pectacitatis morbo, qua nihil potentius aut impu-
dentius, sed magistre necessitati. Estote ergo, R[everendissimi] P[atres]
et praestantissimi viri misericordes et datores iliares, succurrite Christo
in membris suis esurienti, nudo, laborante, et ultimam necessitatem
patienti, edite quoque ad exemplum propemodum omnium orthodoxarum
ecclesiarum et in unitate fidei nobis consentientium qualicunque subminis-
tratione specimen quoddam charitatis Christianae, atque facto et veritate
demonstrate vos vere esse filios Dei, carmen nostrum, compatientia
membra corporis Christi, fratres genuinos et fidei consortes. Hec sunt
illa munera et bona opera quae vere imitantur hamos, hoc est, conferendis
eleemosynis minime fieri penitendum opere premitum aut damnum sed
honestum lucrum, usuram licitam, ac Jehovam sibi acceptum ferre
beneficium pauperi collatum; omnemque liberalem eleemosynam com-
municationem esse sationem in locis irriguis et forsacibus factam quam
tandem uberrima messis amplissime beneficitionis consequetur. Sed acerius
instare non decet ne αγαπη huic had dubie jamjam necessitati nostrre
liberere destinate videat aliquid extortum. Valete R[everendissimi]
P[atres] et antiatites viri praestantissimi. Deus ecclesias vestras florenti
issimas omnibus Satanæ machinationibus et corruptelis clementer custo-
diat ut sint perpetuum asylum omnibus Christi causa profugis, Amen.
Norinberge: 30 Junij 1630.
archipalatinatus exules omnium vero nomine,
Georgius Symmer a publico ministerio ecclesie et curie sacræ
Amergensis nunc exul manu propria.
Ambrosius Tolmer quondam ecclesie Turczenatensis pastor et
diœceseos Waldeoensis inspektor nunc vero in agro Norico
exul manu propria.
Gebhardus Agricola quondam ecclesie Aurbacensis pastor et
inspektor exulans in Maresidnato manu propria.
Jonas Liburgus judex archipalatinat. Caenobii Weiston, nunc in
exilio ad sacre collectae negotiis deputatus Norinberge manu
propria.
1631.  CHARLES I.  135

---President; Hadintoun; Wintoun; Linythqu; Garleis; Seaforthe; Edinburgh, 2nd February
Lauderdaill; Lord Arskene; Lord Melvill; Lord Tracquair; 1631.
Secretary; Advocate; Justice Clerk; Scottistarrett.

"The quhilk day the Laird of Frendaught become cautiaun for his wyffe
and the Laird of Banff thair remaining within the burgh of Edinburgh
untill they be laughfullie freed ather of thame under the pane of ane
hundreth thousand merkis, and Banff become cautiaun for George Spens
under the pane of fyve thousand merkis."

---Chancellor; President; Privy Seal; Murrey; Wintoun; Holyrood
Linlithgow; Galloway; Seaforf; Lauderdaill; Bishop of Dunkeld;
Bishop of Dunblane; Lord Gordoun; Lord Arskene; Lord
Melvill; Lord Tracquair; Secretary; Advocate; Justice Clerk;
Sir John Scoot; Sir James Baillie.

"The whilk day Captane Peter Rollock, compeirand personallie before the
Lords of Secret Counsell, actit and obleist himselfe to compeir before the
saids Lords when ever he sall be citate at anie tyme betuix and the
last of Marche upon ane lawfull citation of ten dayes, intimation being
made thairof at the domicile of Mr Peter Rollock of Piltoun, his uncle,
and answere to suche things as sall be demanded of him tuicheing the
burning of Frendaught under the pane of fyve thousand merkis."

"The Lords of Secret Counsell hes found and accordancelie ordains that
the whole Counsell sall conveene upon Saturday in the laich
Counsel hous of Edinburgh at nyne of the clocke in the forenoon and to
examine Johne Tosheauche upon suche interrogatours as sall be givin
in agenis him, and as the Counsell sall have leasure to caus put him to
the tortour of the bootes; and if nothing sall be cleered be his deposi-
tition that than the Lords upon Mononday thereafter conveene Johne
Meldrum before thame, and after examination to putt him to the
tortour of the bootes."

"The Lords ordains the Laird of Frendaught to exhibite Alexander The Laird of
Bythe upon Tuesday come aucht dayes whairof intimiation wee made to
him, being personallie present."

"The Lords allowes Robert Spence, Gilbert Milne, George Crichton, Gilbert Milne
James Barbour, James Shewane, Robert Somervell and David Seaton to
go home to attend thair awne affaires."

"The whilk day the Laird of Frendaught undertooke to make Thomas Laird of
Jose and Johne Gib furthcummand at anie tyme betuix and the last of
Marche, and that he sould send to Bruntilland for George Gammie."

"The whilk day Johne Leslie, younger of Pitcape, compeirand per-
sonallie before the Lords of Privie Counsell, become actit and obleist as
cautioner and souertie for Richard Mouat that he being releevd out of
warde sall compeir personallie before the saids Lords upon ane lawfull

Caution by
John Leslie,
for
Richard
Mouat.
citatioun at anie tyme betuix and Witsunday nixtcoome under the pane of ane thousand merkes."

"The Lords modifieis and allowes to Margaret Wod twentie shilling in the day for her intertainement till Tuisday nixt."

[Sederunt as recorded above.]

Complaint by Andrew Quyte, keeper of the Tolbooth of Edinburgh, as follows:—John Toshe, servitor to the Laird of Fendraucht, was warded within the tolbooth of Edinburgh on 28th December last, and was kept there by one of the complainer's servante until 29th January last, when he was transported to the castle of Edinburgh. The charge for his maintenance during that period amounts to £21 6s. 8d., which the complainer has frequently sought from the Laird of Fendraucht, but he refuses to pay unless he is compelled to do so. The pursuer appearing personally, and the defender by Mr. James Baird, his procurator, and parties being heard, the Lords ordain the said Laird of Fendraucht to make payment to the pursuer of the said jailor-feee.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Wigton; Galloway; Seafort; Lauderdaill; Lord Lorne; Areskine; Carnegie; Traquair; Secretary; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

Warrant to give out copies of the deposits anent the house of Fendraucht.

"The Lords of Secret Counsell ordains and commands the Clerk of Counsell to give out copies of the depositious concerning the burning of Fendraucht and of all that is incident or occurred therein to the partie whome it appertaines in regarde the tryell and probation heis beene publictie deduced."

"The whilk day the Lords of Secret Counsell upon petition of George, Lord Gordoun, and William, Lord Hay, continewes the tortouring of Johne Toshauche and Johne Meldrum till forder evidences and prove be brought agains thame tuiching thair guiltines or foreknowledge of the burning of the hous of Fendraucht, and that betuix and the last of Marche nixt."

"After our verie heartlie commendatious to your good lordship. We dealt with suche of the commissioners of the Middle Shyres as were in this towne to have made their addresse to Dumfreis and to have assisted your lordship at this court appointed be your lordship to be haldin at the burgh of Dumfreis upon the aucth of this instant, but the unseasonable weather and long storme furnished unto thame ane verie just cause of excuse and inabilitie to keepe this dyet. We have considered the commission grantit to your lordship and the rest of the conjunct and subcommissioners, and in our opinion your lordship may proceed to the halding of your Court with the presence of anie one of the subcom-
missioners of whome your lordship will have the Laird of Amisfeild readie at hand; and if your lordship find anie scruple or doubt in this point your lordship may continew your court for some certane dayes and againe that tyme order tall be tane that your lordship tall be accompanied with a competent number of the commissioners. And so with the remembrance of our best affectiouns, committing your lordship to Gods protection, we rest. Subscribitur, Geo: Cancell., Monteth, Hadinton, Linlithgow, Wintoun, Galloway, Seafort. At Halyrudhous the fyft day of Februarie, 1631.”

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Galloway; Holyrood House, 8th Seafort; Bishop of Dumblane; Lord Gordoun; Lord Areskine; February 1631. Lord Melvill; Lord Traquair; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

“The Lords of Secret Counsell having heard Sir Thomas Hope of Craighall, knight baronnet, his Majestis Advocat, tuicheing one Nicolsone, belman in the kirk of Prestoun, who being ane maried man, hes committed adulterie with ane ministers daughter within the steeple and bodie of the kirk, the Lords ordains the Advocat to persew him criminally for the same according to the law.”

“The whilk day Johne Cruikshanke, being brought before the Lords John Cruik-shank. Johne Meldrum, Richard Mouat, and others, whairin they finding him to varie in his depositiouns the Lords ordains him to be committed to close prisoyn in the tolbuith of Edinburgh.”

“The whilk day the Laird of Fendraught undertooke for George The Laird of Gammie to make him furthcummand at anie tyme when he shall be law- fullie charged betuix the last of Marche.”

“The whilk day the commiission underwrittin anent the surveying of Letter from the lawes was presented to the Lords of Privie Counsell and read in their auidence, quhilk being read and considerit be thame they ordain the same to be insert and registraet in the bookes of Privie Counsell, of the lawes. The whilk the tennour followes:—CHARLES R. Our Soverane Lord, considering that his Majestie out of his zeale and care to estable the ane certane and constant course in all the supreme courts and justice seates als weill civill as criminal within his ancient kingdome of Scotland did by his Majestie letters patents under the great scale of the dait at Whitehall, the second day of Julij 1628 yeeres, give and grant ane ample commiission to certane of his Majestie Counsell and others most expert in the lawes of the said kingdome for surveying, recognoescing, and considering of the lawes, statuts and Acts of Parliament of the said kingdome, als weill printed as not printed, with the customes and consuetudes of the same quhilks ar and hes beene observed as lawes within
the said kingdome, and to report their advice and opiouin thereanent to his Majestie to the effect his Majestie may thereafter with consent of his three estait in Parliament establishe and inact the same in forme of lawes. And albeit the said comission was accepted with all humilitie be the commissioners thereanent, yitt in respect of sindrie intertwining impediments the samyne hee not takin the effect quhilk his Majestie wished. And thairfoir his Majestie in the lait Convenioun of Estats haldin and begun upon the 28 day of July last caused the said commisioun with the utilitie and necessitie thairfoir to be propouned to the saids three Estats, who after dew consideration thairfoir with uniforme consent in all humilitie acknowledged his Majesteis fatherlie care and affectiouin to the weale of the kingdome in granting the said commioun and humbelie deyred some moe persoun out of iske estait to be added to the former commissioners. And his Majestie being most willing to satisfie the humble desyre of the saids Estats, thairfoir his Majestie out of his princelie zeale and affectiouin to justice and true and fatherlie love to his people, ordaines ane letter to be exped under his Majesteis great seale, giving, granting and committing, lykaes his Majestie gives and grants full power and commissioun to George, Vicount of Dupline, Lord Chancellor; Johne, Archbishop of St Andrews; William, Erle of Mortoun, Lord Thessaurar; William, Erle of Monteth, Lord President of his Majesteis Privie Counsell; Thomas, Erle of Hadintoun, Lord Privie Seale; Johne, Erle of Mar; Alexander, Erle of Linlithgow; Robert, Erle of Roxburgh; Johne, Erle of Lauderdale; Patrik, Bishop of Abirdeene; Patrik, Bishop of Rosse; Johne, Bishop of Caithnes; Adame, Bishop of Dumblane; Johne, Lord Lowdoun; David, Lord Carnegie; Archibald, Lord Naper; John, Lord Traquair; Sir William Alexander, principall Secretarie; Sir James Skeene of Currihill, knight, President of the Session; Sir Archibald Achesone of Glencarnie, Secretar; Sir John Hamilton of Magdalens, Clerk of Register; Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat; Sir George Elphinstoun of Blythsowd, knight, Justice Clerk; Sir Johne Scot of Scottistarvet, Directour of the Chancellarie; Sir Alexander Gibson of Durie, Sir Thomas Hendersone of Chesters, Sir Andro Fletcher of Innerpeffer, Sir James M¢Gill of Cranston Riddell, knight baronnet; Sir Fol. 42, b. James Oliphant of Newtown, knight baronnet; Sir James Learmonth of Balcolmie; Sir George Afeleck of Balmanno; Sir Robert Spotswod of New Abbey; M¢ George Halyburton of Foderance; Sir Robert Gordoun, knight baronnet; Sir Alexander Strauchane of Thornetoun, knight baronnet; Sir Patrik Hepburne of Wauchtoun; Sir William Cunninghame of Caprintoun; Sir James Foulis of Colintoun; Sir John Scrimgeour of Duddop, Constable of Dundie; Alexander Areskina of Din, Sir Johne Hamilton of Lettrick, William Douglas of Cavers, Johne Boill of Kelburne, Sir James Lokhart of Lee, Areskina of Pittodrie, Thomas Crombie of Kemnay, Johne Gordoun of Buckie;
M'R Robert Learmonth, M'R Andro Aitoun, M'R Thomas Nicolsone and M'R Lewes Stewart, advocate; Alexander Clerk and Johne M'Naught, burgess of Edinburgh; M'R James Cokburne, provest of Hadintoun; M'R Johne Hay and M'R Alexander Guthrie, toun clerkes of Edinburgh; John Cowane, burgess of Stirlin; and Johne M'Kesone, clerke of Carraill; or to anie sevin of thame with the said Chancellor, Thesaurar, President of the Counsell, and the said Lord Privie Seale, or anie one of thame, to meit and conveene at quhatsomever tymes and places convenient, and to read, recognosce and consider the saids haill lawes, statutes and Acts of Parliament of the said kinglyme, als weill printed as unprinted, togidder with the customes and consuetudes of the said kinglyme quhilkis ar and have beeene observed as lawes within the samyne, ather in the civill or criminal juridicatores, and quhilkis have beeene recevied in practis by decreits of the Lords of Sessioun or Justice Generall; and to that effect to caus be exhibite before thame be the Clerk of Register, Justice Clerk, and their deputs, the haill registers and rollis conteyning the lawes and Acts of Parliament of the said kinglyme, als weill unprinted as printed, with the registers of decreits and interloquitors of the saids Lords of Sessioun and Justice Generall, togidder with the booke intituled Regiam Majestatem, quhilk conteynt ane record of the ancient lawes and customes observed within the said kinglyme, and after dew consideration thairof to sett doun their advice, opiouin and judgement under their hands anent the printing of suche lawes and statuts as ar not yitt printed, and anent the commission of suche acts and statuts as ar abrogat or become in desuetude and out of use. And siclyke to collect and sett doun the haill customes and generall consuetudes inviolable observed in the said kinglyme als weill in the civill as criminal juridicatores, to the effect the samyne may be authorized and confirmed se forme of law and statute, without prejudice alwayes of the lawes, acts, statutes and practicks, decreits and interloquitors conceaved in favouris of the Crowne; and that they report thair overtures and judgment to his sacred Majestie heerenat betuix and the ellevint day of October nixtocone, or with convenient diligence, to the effect his Majestie with consent of the Estaits of his Parliament may see to the redresse thairof for the weele of the said kinglyme. Givin at his Majestis honour of Hamptoun Court the twelth day of October, 1630. And the saids Lords ordains the commissioners bonewrittin to be writtin for to this day fyftene dayes to accept the commission and to give thair oath and to appoint thair tymes and dyets of meeting."

[Sederunt as recorded above.]

Archibald Maxwell of Cowhill, compairing personally, enacts himself to make payment to George, Viscount of Dupline, Lord High Chancellor of this kinglyme, and Collector-General of the Taxation granted to his
to the Lord Chancellor the taxation of the Sheriffdom of Dumfries.

Supplication by William Dick and Mr. John Dick, his son, tacksmen of the earldom of Orkney and lordship of Zetland, and sheriffs within these bounds as follows:—Their lordships know "how that one Walter Feya in Zetland has laitlie verie cruellie cutt out the lugges of ane poore womans heid," and they crave that their Lordships will prescribe his punishment. The Lords ordain the petitioners to call the said Walter Feya before them, put him to trial, and if they find him guilty to sentence him to have "the lugges" cut out of his head.

Supplication by Sir John Vaus of Barnbarroch, and Patrick Vaus, his son and heir apparent, as follows:—They are charged at the instance of Ninian Fleming of Craichdow to answer to his complaint of their illegally taking and imprisoning him. They were resolved to obey the charge, but the weather has been so unseasonable that Sir John, on account of his great age, could not possibly travel, and the said Patrick has come with great difficulty and at the hazard of his life to answer. But the fear of some civil hornings which he and his father underlie disables them, and they therefore crave a short postponement of the case and their Lordships' protection. The Lords continue the case until 17th February and grant the protection craved until the 18th.

"The lyke protectioun grantit to James Kennedie of Blairquhan, and Josias Stewart of Ravinstoun till the last day of Februarie instant."

"The Lordis modifiys xij s. in the day to Johnne Tosheauht to be payit to him be the Lord Gordoun during his imprisonment [sic] in the Castell."

Protection to Kennedy and Stewart.

Holyrood House, 8th February 1631.
John Tos. haught.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Seafort; Acta July 1629. December
Lauderdaill; Lord Gordoun; Lord Lorne; Lord Arskine; Lord 1630.
Melvill; Lord Carnegie; Lord Traquair; Bishop of Dunblane;
Secretary; Clerk Register; Advocate; Justice Clerk.

Trial anent the burning of Fendraught postponed.

"The Lords of Secret Counsell continu wes the tryell and examina-
tion of witnesses anent the burning of Fendraucht at the instance of parteis till the 24th of Marche, or otherways that the Lord Gordoun and Lord Hay be lawfullie chargit to that effect."

"The Lords ordains the Ladie Fendraught to be warned to Tisday;
to declare to the Counsell what course she craves to be takin aganis Margaret Wod for cleering the truthe, and if she will remaine during that tyme or if she will goe home and leave the same."
"The Lords of Secret Counsell modifieis and allowes to John Tosauchae, now prisoner within the Castell of Edinburgh, twenty shillings daylie for his intertwenantment during his remaining in ward within the said castell to be payed to him by the Lord Gordoun by whose procurement he is now detaineed within the said castell."

"The Lords of Secret Counsell considering that Margaret Wod having takin to her the false name of Jeane Wod, her sister, sometime servitrice to the Laird of Pitcape, did compeir before his Majestie Counsell and so farre as in her lay did lay the odious and treasonable cryme of burning of the houes of Fendraught upon a baroun and gentleman of good qualitie, and thereafter in her severall depositiouns made before the saide Lords did opinlie and manifestlie perjure her selfe, blaspheme the name of Almighty God, and abuse with her false lees and calumnie the saide Lords of his Majestie Counsell, for the quhil they thinke her unworthie to live and to be most worthie of the punishment of death, thairfor the saide Lords ordains Sir Thomas Hope of Craig-hall, knight baronet, his Majestie Advocat, to caus forme and make Margaret Wod her processe and dittay upon her manifest falsett, blasphemies, perjurie and others crymes foresaidis at lenth specified and sitt down in her depositiouns and to persew her criminallie for the same before his Majestie Justice and his deputis in the tolboith of Edinburgh, aenent the doing of the whilkis premises the extract of this act sall be unto the said Lord Advocat ane warrand."

[Sederunt as recorded above.]
depute of Selkirk, in obedience to a precept from Chancery proceeding upon a resignation made by the said Sir John Murrey, and that he could not refuse to be notary thereto seeing he was sheriff clerk for the time, yet the seisin was in no way prejudicial to the town, and there was nothing more in the said James's seisin given in December 1625, than was in that of his father, Sir John, given in 1606. This answer satisfied the council, who found that they could not be competent judges in such a matter and discreetly forbore to meddle further therewith. Finding himself disappointed the said Mr. Patrick, with the assistance of a faction whom he had seduced, caused convene the whole burgesses and inhabitants of the town by tuck of drum and sent for the said Mr. John and Andrew Ker. They appeared, and Mr. John again took exception to this disorderly challenge, but answered as formerly, whereupon the said Mr. Patrick rose and in the heat of his passion "threatened the said M'r Johne with his staffe, callit him ane traitour and ane false knave, [and] commandit him to remove." He having obeyed, the said Mr. Patrick "so overruled the simple ignorant people that he made thame beleve that the towne was betrayed and sauld be the compleaneers, and with his awne mouth pronounced the doome of perjurie aganis thame both and deposed the said M'r Johne of his office of towne clerkship, dytted ane act thairupon, promitted faithfullie to warrand thair proceedings, and to keepe the towne skaithlesse from all danger that might attend thame for that caus; and thereafter with the lyke lawlesse insolence the said M'r Patrick cryed out to the hearing of all—Hang thame. Qubahirupon the common people following his exemple cryed aloud, some, Crucifie thame; some, Shoote thame at posta; Putt thame in the theeves hole; and Durke thame presentlie." Moreover, the said Mr. Patrick "Sabbothlie sensyne exclames in his sermons aganis the compleaneers, calling thame traitours, false knaves and perjured lownes, and out of the pulpit hes discharged the people to converse with thame, or to haunt thair companie, exhorting thame to abhorre and detest thame as excommunicat persons," and certifying such as disobey that they will be repute as partakers with them and be cast out as they are. Charge having been given to the said Mr. Patrick Schaw, and to William Elliot and William , bailies of Selkirk, the bailies being cited to produce the foresaid unlawful act and process, and both pursuers and defenders appearing, and the said act being produced subscribed with a number of hands, and parties and witnesses having been heard, the Lords find "that the said M'r Patrick Schaw hes beene the author and occasioun of the summar procedeour aganis the perssewars and inorderlie deprivatioun of the said M'r Johne Ker, clerk, being rather formallie callit nor anie fault tryed and that he hes caried himself as a clerk and dytted the act declaring the perssewars to be uncapable to bruike office within the burgh of Selkirk, and that in the pulpit he pointed so lyvelie at the perssewars in his discourse that all the people knew that he meant
be thame; and thairfor the saids Lords ordains the said Mr. John Ker to be repounded to his office of clerkship in the said burgh and the act made aganis the saids persewers to be rescindit, and they repounded to their credite; lykaes the saids Lords ordains the said Mr. Patrick Shaw to abesteane from medling in the civil effaires of the town except onelie in what he may labour to settle the parteis in peace betuix and this day fytene dayes; whiche the said Mr. Patrick, being personallie present, promised to doe, until whiche tym the saids Lords continues thair sentence aganis the said Mr. Patrick, and ordains him to compeir and report that day what he hes done or procedit thairin."

"That chargeis be direct aganis the shireffis, conveynaris of the Justiceis of Peace and direct commissionaris choisin at Michaelmes to the nixt Parliament within the shirefdomis of, etc., to compeir to heir and see a course tane and sett doun for remeiding the abuse of presenting of plaiding to mercattis in rollis."

"The Lordis assignis the first of Marche to the Laird of Barnis and to Nicoll Uddart and Mr. Alexander Guthrie, who compeirit for the town of Edinburgh and rest of the burrowsis, toucheinge the experiecie of setting up of Beaconis upon the iland of May; and ordanis the maisteris of ships to be warnit to the said day."

"Ordanis Mr. Lues Steuart to be warnit to Twisday nixt." After our verie heartilie commendations to your good lordship. Whereas at the lait conventioun of the estats in the moneth of July last your lordship was nominat to be one of the commissioners for surveying of the lawes, and the commissioun being now exped in the great seale, his Majestie expects that some panes sall be tane thairin for bringing that worke, whiche is so important and honnourable for the countrie, to ane good conclusioun. And thairfor these ar to request your good lordship to make your addresse heere upon the twentie twa day of Februarie instant to the intent your lordship with the rest of the commissiouns who ar writtin for may accept the commissioun upoun yow and appoint tymes and dyets of your meitings. And so looking for your precise keeping of this dyet we committ your lordship to God. Frome Halyrudhous the tent day of Februarie 1631. Subscribitur, Geo: Cancell, Hadintoun, Wintoun, Lauderdale, Seafort, L. Gordoun.

Sedunt. — Chancellor; Privy Seal; Murrey; Wintoun; Gallo-day; Seafort; Bishop of Dumblane; Lord Melvill; Lord Carnegie; Lord Traquair; Master of Elphinston; Secretary; Clerk Register; Advocate; Justice Clerk.

"The Lords ordains the Laird of Fendraught to exhibite Alexander The Laird of Byth upon Thursaday nixt, and in the meantyme to detsane him in his companie."

"The Lords of Secreit Counsell nominates and appoints and thair- Charge to certain
withall gives warrant and commission to Mr. Andro Ramsay, Mr. William Struther, and Mr. Harie Rollock, minister of Edinburgh, or his anie twa of thame conjunctlie to repaire to Margaret Wod within the tolboth of Edinburgh at suche tymes and occasionis as they may conventlie meet, and to declare unto her that for her manifold forgeries, perjury and lees she is to be persewed crimannlie to the death before his Majesteis Justice; and in regarde theairto to confer and deal with her by prayer and exhortatioun to make her sensible of her sinfull estate, grieved for her offences, and to bring her to ane ingenuous and sincere declaration of the truth of her depositionis. And the Lords allows Alexander Wod, uncle to the said Margaret, to be present with the ministers and to confer and speake with the said Margaret in their presence and hearing, and ordains the provest and bailies of Edinburgh to permit the saids ministers and Alexander Wod to have access to the said Margaret Wod and conference with her at all tymes and occasions in maner aboneexpremit, for doing whairt the extract of this act shall be unto the whole persons respective foresaids a sufficient warrant.”

“Forsamekle as the Lords of Secret Counsell as informed that there is latele ane whareill come in at Kirkaldie whairwith the countrie people intends without forme or order to intromett in prejudice of these who hes right theairto, for preventing of qhillk extraordinar doing the Lords of Secret Counsell gives and grants commission and warrant be thir presents to Boswell of Balmowto to kepe and preserve the said whailly and to suffer no persoun whomsower to meddle and intromett with the said whailly whill he receve new order and direction concerning the same, whairo he shall be shortlie advertised. And ordains letters to be direct to command, charge and inhibite all others his Majesteis lieges and subjects that none of thame presoume nor take upon hand to meddle nor intromett with the said whailly, but to suffer and permit the said Laird of Balmouto to meddle thairwith, as they and everie ane of thame will ansuer upon the contrarie at their highest charge and perrell.”

“Forsamekle as the Lords of Secret Counsell as informed that upon occasion of some controversie beteuix Thomas Kirkpatrick of Closburne and Bryce Sempill of Cathcart anent certane soums of money acclaimed be the said Bryce fra the said Thomas, his estait is lyke to be altogither ruyned if some moderat course be not tane for preventing of the same, thairfoir the Lords of Secret Counsell, according to his Majesteis warrant and direction sent unto thame in this matier, ordains letters to be direct charging both the saids parteis to compair personallie before the saids Lords upon the day of Februarie instant to heare and see some moderat and equitable course tane by a friendlie submission or otherways betuix thame for preventing the ruine whairwith the said Thomas and his estait is threatened upon
occasioun of thir differenceis, under the pane of rebellion and putting of thame to the horne, with certification, etc.—Followes his Majestis missive for warrand of the Act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelout cousines and counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Being informed of a controversie betuix Thomas Kirkpatrik of Closburne and one Bryce Sempill, whairby the said Thomas is lyke to be utterlie ruinated in his whole estait be the said Bryce, our pleasure is that having cited the parteis before yow, yow take suche ane equitable course by thair submiission unto yow or otherwayes as yow sall thinke requisite for preventing anie wrong that the said Thamas may suffer by that meanes; and in caise that either of the parteis will not hearken unto reason that yow acquaint us thairwith, that thereafter we may proceed thairin as we sall thinke most convenient; whiche recommending to your speciall care we bid yow farewell. Frome our Court at Newmercat, the 29 of Januarie, 1631."

[Sederunt as recorded above.]

Suppllication by Thomas Kirkpatrik of Closburne, as follows:—He has been heavily troubled by Bryce Sempill of Cathcart and Robert Charters of Kelwod on account of some debts and for removing from his land, which have been apprised by Sempill for some great sums of money "easilie acquired" by him. He had offered them all reasonable satisfaction, first before friends and then before their Lordships, his terms being far beyond any interest or sums disbursed by them, but can “gett nothing bot extremitie and rigour of thame, quhilk he wee not able to undergo.” In these circumstances he had represented his hard case to his Majestie, who has been pleased to write to their Lordships to see order taken in the matter, but being at the horn at the instance of Sempill and Charters he dare not attend the settling without a protection, which accordingly he craves. This the Lords grant to him until 15th March next that he may attend their Lordships in this business.

Complaint by Andrew Quhyte, keeper of the tolbooth of Edinburgh, as follows:—John Inneis of Crombie owes the complainer 210 merks of principal with interest thereon, and in his desire to satisfy the complainer he gave directions to his brother, the Laird of Inneis, to satisfy his creditors, and the complainer among the first, for he has dispowed his estate to him, and the said Laird is in possession of his funds. But though the complainer has pressed the said Laird to pay him, in terms of a missive from the said John Inneis, yet he refuses to do so. The said Laird being summoned to appear and give his oath whether his brother arranged with him for the payment of the complainer, and if he
had any money of his brother's, and both parties compearing, the
defender deponed negative and was assoilzied.

Sederunt—Chancellor; Privy Seal; Murrey; Wintoun; Linlithgow;
Galloway; Lauderdaill; Bishop of Dumblane; Lord Lorne; Lord
Melvill; Lord Carnegie; Master of Elphinston; Secretary;
Clerk of Register; Advocate; Justice Clerk; Sir John Scot; Sir
James Baillie.

there he sould admitt conference with the ministrie and that he sould
not heare messe nor resset jesuit, seminacie nor messe preists, under
the pane of fyve hundreth pundes, besides the forefeyture of the thrid of his
and his sonnes estait and living quhilk was modified unto him be the
Lords of Privie Counsell for his interteanement during the tyne of his
confinyng, as the act made to this effect bearis, notwithstanding the
saids Lords ar informed that there is a daylie resort of personz suspect
in reliquion to the said Johne, with whome he hes not onelie secret
conference, but there is manie pregnant presumptiouns that other
practises ar interteanned amongs thame in hart and prejudice to the
trew reliquion; and one of the causes of the frequent resort of thir
suspect personz to the said Johne proceeds frome this that the burgh of
Couper lying in the hie way betuix the north and the south furnishes
occasion to persons going north and south to conferre and meit with
the said Johne, quhereas if he wer confynned in a more obscure and
quyet place thir frequent occasiouns of meiting with suspect personz
would be removed. Thairfoir the Lords of Secret Counsell hes thought
meit and expedient that the said Johne his confynnyng sall be changed
fra the burgh of Couper to the burgh of Craill; and thairfoir ordains
letters to be direct charging the said Johne Gordoun, elder of Craig, to
make his addresse to the said burgh of Carrall and there to remaine
and within a myle about the same, and not to transcend the bounds
thairof whill he be fred and releevd be the saids Lords, within sax dayes
nixt after he be chargit thairto, under the pane of forefeyture of the
modificiatioun foresaid made and allowed to him of the thrid of his and
his sonnes estait and living, and forder under the pane of fyve hundreth
pundes specifieit and conteaneit in the former act foresaid, with certifi-
ciatioun to him and he faillyie in the premises and in not observing his
former act anent his confynnyng within the burgh of Couper that he sall
be decerned not onelie to forefeyte the said modificiatioun but lykewayes
to incurre the said pane of fyve hundreth pundes.”

"Forsameekle as Sir Johne Campbell of Calder, knight, having made
shamefull apostasie and defectioum from the trew religioun presentlie
prowest within this kingdome, and being for that caus and for not
reconciling himselfe to the discipline of the Kirk orderlie and lawfully
excommunicat, he was thairupoun charged be vertew of letters raised at
the instance of Johne, Bishop of Murrey, and M' Robert Craig, pro-
curator for the Kirk, to have reconciled himselfe to the Kirk and to
have submitted himselfe to the discipline thairof within a certane space
after the charge under the pane of horning; lykes for his proud and
wilfull contempt and disobedience of that charge he was upon the 13 of
Marche, 1629, denounced rebell and putt to the horne, as the letters of
horning indorsat and registrat aganis him bearis; and becaus he remained
most proudlie and contemnandlie at the said processe of horne and
excommunicatioun, as he does yitt unrelast, and keeped his hous of
Calder as ane starting hole and place of refuge for persons trewlie
suspect in their religioun, there were thairfoir letters aganis him whairwith
he was chargit be Alexander Guthrie, Marchemont Herald, to randr
and delyver his said place and fortalice of Caddell to the said herauld under
the pane of treason; lykes for a culloured show of obedience the said
Sir Johne made a forme of randering of the said hous by delyverie of
the keys to the said herauld, who yitt hes the saids keys in his keipin.
And it being expected that nane durst have presumed to have medled
with the said hous so long as the same was keeped in his Majesteis name
and the keys thairof in the hands of his herauld; notwithstanding it is
of trueth that upon the day of
William Campbell

etc., with others thair complices come to the said place and fortalice of
Caddell, brake up the drawbridge thairof, dang up the yetts and dooeres
of the same, made new lockes and keys thairto, hes possesst thaimselfes
within the said place, hes fortified the same with men, victuall and
armour, keepes the same as ane hous of warre ressettes jesuïtes, seminarie
and messe preists and others suspect persons within the same, who by
the confort, ressett and supplie they find in that hous ar encouraged to
continew in their erroneous opinions to the high and proud contempt of
his Majesteis auctoritie and lawes. Thairfoir ordains letters to be direct
charging the persounis foresaid to compair personallicke before the Lords
of Secreit Counsell at ane certane day to answere to the premisses and to
heare and see suche ordour tane therecenent as they may be punished in
thair persons and goods for the proud contempt foresaid under the pane
of rebellion, etc., with certificioun, etc."

"The Lords of Secreit Counsell with consent of Captane David Alex-
ander and Simeoun Hednix, maister and partner of the shippe callit the
Lewda, and of the loading of Spanish salt and other goods being within
her, ordains and commands David McCaw, merchant burges of Edinburgh,
to delyver to William Dick, merchant burges of the said burgh, the haill
moneyes receaved be the said David for the salt being within the said
shippe and sauld be the said David at direcitoun of the saids Lords;
anent the doing whairof the extract of this act with the said Williame. 

Dick his acquittance of the receipt of the said soume sall be unto the said 

David McCaw ane sufficient warrant."

"The whilk day Alexander Bythe compeirèd before the Counsell, and 
the Lords ordains the Laird of Fendraucht, who wes personallie present, 
to keepe the said Alexander and to be answerable for him till the last 
of Marche."

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King’s Advocate, and John 
Campbell in Barnefurde, his informer, as follows:—Notwithstanding of 
the Acts of Parliament for the restraining of messengers and officers of 
arms from abusing their office, yet Alexander Barclay in Maybole, having 
raised letters against John and Gilbert Kennedy for mutilation of him, 
and having delivered the same to John Cochrane, messenger, for the 
summoning of an assise, in collusion with him summoned a number of 
persons not contained in the roll of assise, and agreed with them for their 
remaining at home on payment of composition, viz., John Campbell of 
Barefurde, John Boill in Cassillis, John Boill in Crawfurdstoun, Quintene 
Boill in Kirkmichael and John Fultoun in Kirkcannoch, every one of 
whom gave half a boll of oats and 12s. of silver; Charles Campbell in 
Cassintoun who gave four pecks of oats; James Mure in Thomastoun, 
who gave two dozen of “keilling” and a goose; John McIndert, who 
gave half a boll of oats; and John Bodde in Carsto, who gave three 
pecks of groats. This form of “scafferie” and oppression ought to be 
severely punished. Pursuers and defenders compeiring and they and 
certain witnesses having been heard and examined, the Lords find the 
complaint proven against the defenders "quantum ad victoriam cause", 
whereby they have committed “ane verie great scafferie and oppressioun 
upon his Majesties subjects,” and they ordain them to be warded in the 
tolbooth of Edinburgh until their Lordships shall liberate them, and to 
pay eight merks to each of the witnesses.

Complaint by John Trotter, younger, merchant burgess of Edinburgh, 
as follows:—On 26th July last he became cautioner before their lord-
ships for Leveane Rickleman, master of the ship called The Sanct Peter 
of Calais, that on account of his release from arrestment here he would 
before 1st November last secure the release of Captain John Daw at 
Burdeaulx, and payment to him of the value of his ship which was 
arrested there by Rickleman and his partners, under a penalty of £8000 
Scots. He has been careful to see these terms fulfilled, and so Captain 
Daw has been released, and payment made to him of 5000 francs, 
which was the appraised value of his ship as seized by the owners of the 
Calais ship taken by him, and which sum was consigned by them in the 
hands of one Fonquet in Burdeaulx, as the contract made thereupon
between the said parties before Monsieur de la Lane, Lieutenant-general of the Admiralty of Guyenne on 14th November last in the "parquet royall" of the said Admiralty and under its seal royal produced to their Lordships shows. Charge having been given to the said Captain John Daw to compere and see an Act of Council made in terms of the above, and he failing to compere, the Lords declare the pursuer to have satisfied the foresaid act of caution, and to be free of all further claim at the hands of the said Captain Daw, but without prejudice to the right of the said Captain to pursue for damage sustained by him through the settlement referred to being fourteen days later than was appointed.

Supplication by Patrick Vaus, siar of Barnbarroch, as follows:—Their Lordships granted to him a protection for attending them to answer the complaint of Ninian Fleeming of Craigdow till the 18th instant, and for the case has been continued for eight days. Since he has come to this burgh some of his creditors have been dealing with him to satisfy their claims, which is very willing to endeavour to do if their Lordships will extend his protection. The Lords grant him until the 27th instant at night.

After our verie heartielie commendatiouns. We have heerewith sent Holyrood unto yow one commissioun for apprehending of the bedell of the Kirk of Prestoun who shamefullie forced and abused ane ministers daughter within the bodie of the kirk of Prestoun to the offence and dishonour of God, the execution of the whiche commissioun we doe heirby recommend to your care and diligence, requesting yow to have ane special care that this fellow be speedilie apprehendit and sent in heere; quhairin yow will doe acceptable service and good pleasure to us. And so we committ yow to God. Frome Halyrudhous the 17 day of Februarie, 1631. Subscritur, Geo. Cancell. Hadintoun, Wintoun, Linnithgow, Lauderdale, Melvill, Hamilton.

Sedert—Chancellor; Murrey; Linnithgow; Bishop of Dumblane; Melvill; Carnegie; Secretary; Clerk Register; Advocate; Sir John Scot.

"The whilk day, George, Vicount of Dupline, Lord High Chancellor of this kiondme; Alexander, Erle of Linnithgow; Adame, Bishop of Dumblane; David, Lord Carnegie; Sir James Skeene of Currihill; President of the Sesiou; Sir Archibald Achesone, Secretar; Sir John Hamilton, Clerk of Register; Sir John Scot of Scottisatarvet, Director of the Chancellarie; Sir Thomas Hendersone of Chesters, Sir Andro Fletcher of Inverpeffer, Sir James M'Gill of Cranston Riddill, Sir James Oliphant of Newton, Sir James Learmonth of Balcolmie, Sir George Afeck of Balmano, Sir Robert Spotswood of New Abbey, M' George Halyburtoun of Foderance, Sir Patrik Hepburne of Wauchtoun, Sir James Foullis of Colintoun, Sir John Scrimgeour of Duddop, Sir James
Lokhart of Lee, John Boill of Kelburne, Alexander Clerk, provost of Acta January
Edinburgh; Johne Cowane, burges of Stirlinc; Johne M'Cesonone, clerk of Carraill; M' Robert Learmonth, M' Lewes Steuart, M' Andro Aittoun, advocats; Johne M'Nach, burges of Edinburgh and M' Alexander Guthrie, toun clerk there, accepted upon thame the commissioun for surveying the lawes and gaif their oth for faithfull discharge of the same,"

"The Lords ordains the commissioners abonewrinit to meit in the Exchecker hous upon Mononday nixt at eight of the clocke and to appoint the tymes of their meeting for ordering the maters committed to thair charge."

"Forsameekle as the slaying, selling and eating of flesh in tyme of Lent hes beene upon verie good respects and considerations by diverse Acts of Parliament and Secret Counsell straitlie prohibite and forbiddin within this kynsdome under certane panes mentione and conteamne in the same acts, nevertheless the Lords of Secret Counsell ar informed that diverse persouns of all rankes and qualiteis, preferring thair awne privat contentment to the obedience of the law, ceasses not in tyme of Lent to slay, sell and eate flesh at thair pleasure, to the great hurte of the commounweale and contempt of all good order and governement. And whereas the persouns offending in this kynde presoomes of oversight and impunitie be reason of the convinence alledgit shawin unto thame in tyme bygane, quhilk is ane great induce-
ment to thame to continew in thair wilfull contempt and breake of the law, thairfor the Lords of Secret Counsell hes resolved that with all rigour and extremiteit they will execute the law aganis all suche persouns as darre hearer presoom to violat the same in this point. And thairfor ordains letters to be direct to command, charge and inhibite all
and sindrie his Majesteis lieges and subjects of what estait, qualitie or degree so ever they be, be opin proclamation in the mercat croces of the heid burrowes of this kynsdome and others places neidfull, that nane of thame presoome nor take upon hand during this forbiddin tyme of Lent to eate or make readie for eating anie kynde of flesh under the panes following, to be uplifted of everie persoun contravening so oft as they faillye, that is to say, of everie erle ane hundreth punds, of everie lord ane hundreth merkies, of everie baroun fourtie punds, of every burges, oastler, or commoun cooke that sellis meate and drinke fourtie punds, and of everie other gentleman suche soumes of money as sall be imposed upon thame be the judges before whome they sall be tryed; as alsua that no fleschers presoome nor take upon hand to sell or slay fleshe during the tyme foresaid of Lent under the pane of fourtie punds so oft as they faillye; and by and attour the payment of the pecuniall soumes foresaids the offenders sall be punished in thair persons at the discretion of his Majesteis Counsell: And siclyke to command and charge all and sindrie shireiffs, stewarts, provests and bailleis within burgh, and all
others bearing anie publick office or charge within the kingdome that they and everie ane of thame within the bounds of thair several offices and jurisdicitions have a speciall care and regarde to see this present act observed in everie point; and where they sall happen to discover anie person or persons contraveeneing thir presents that they take notice of thair names and informe his Majesteis Councell thairof, to the intent the offenders may be callit to thair answere and punished accordinglie.”

“CHARLES R. Charles, be the grace of God, king of Great Britaine, France and Ireland, defender of the faith, to all and sinderie our lieges and subjects whomse it effaires to whose knowledge thir our letters sall come, greeting. Forsameekle as we have givin and grantit and be the tennour thairof gives and grante libertie and licence to the Lords of our Privie Councell, Sessiou and Exchequer and to suche as sall accompany thame at table to eate flesh during this forbidden tyme of Lent and upon Wednesday, Friday and Saturday for the space of ane yeere nixt after the dait heirof, notwithstanding quhatsomer-ever acts and proclama-
tions made in the contrare, wheresent and all panes conteanit thairin we dispense be thir presents, discharging hereby our Justice, our Advocat and Justice Clerk and all others our judges, officiers, and ministers of our lawes of all calling, accusing or anie wayes proceeding aganis the saids Lords of our Privie Councell, Sessiou and Exchequer and persouns accompanying thame at table, as said is, or anie of thame, for the caus foresaid, discharging thame thairof and of thair offices in that part simpliciter be thir presents. Givin under our Signet at Halyrudhous the 22 day of Februarie and of our reigne the sxt yeere 1631. Subsribitur, Geo: Cancell, Morrey, Linlithgow, Melvill, Carnegie, Arch. Acheson, Hamiltoun, Scottistarvet.”

[Sederunt as recorded above.]

Complaint by William Porter, merchant burgess of Edinburgh, and George Gordoun, messenger, as follows:—Porter had employed the said messenger to execute certain letters of poinding against Archibald Gourlay, indweller in the Cannogait, and they looked that no violence should have been used against them so near the residence of his Majestys Council. Notwithstanding this, when the said messenger had in the execution of his office poinded certain of the pelishing of the said Gourlay, William Mar, trumpeter, his wife; Isaac Hamilton, notary in the Cannogait, and Alexander Baxter, James Dawsoun, Alexander Ramsay and Arthur Barrie, toun officers of the Cannogait, armed with swords, whingers and “bandit staffs,” came to the said messenger, violently took from him the poinded goods, chased him and his witnesses for their lives, hurt and wounded them with their weapons to the effusion of their blood, “kuist thame under thair feit and shame-
fullie tramped upon thame lyke dogs, threatening to kill thame if they did not leave thair pouying." Thus they deforced the said messenger, frustrated the said William Porter of the benefit of his Majesty's laws for recovery of his debt, and disgraced his Majesty's government. Charge having been given to these persons, and both pursuers and defenders compairing probation was referred to the evidence of witnesses, when the Lords found that the said William Mar struck the said officer at the time libelled, and for this they fine him 20 merks to be paid to the said officer; and reserve to the pursuers their civil action for the deforcement before the Lords of Session whenever they think it expedient to prosecute it.

Complaint by Alison Nisbitt, as follows:—She has been for many months past kept in prison in great misery and distress on the mere suspicion of witchcraft, none having appeared to pursue her, and those that informed against her only desire that her imprisonment be endless, and that she may die in it. Charge having been given to Mr. Alexander Kinneir, parson of Quhiteome, Henry Strang in Dykeheid, Isobel Nisbitt, widow of Andrew Purves, Archibald Prestoun, Alexander Ludgat, Bessie Monlylawes, his wife, Janet and Bessie Strang and Elspet Nisbitt, who informed against her, to compair and see order given for fixing a day for the complainer's trial before the Justice, or failing that, to see her ordained to be put to liberty; and the pursuer appearing by Andrew Whyte, keeper of the tolbooth of Edinburgh, and of the defenders Mr. Alexander Kinneir, Marion Burne (not formerly mentioned) and Elizabeth Nisbitt, the Lords, after hearing parties, give commission to Adam, Bishop of Dumblane, Sir John Hamiltoun, Clerk of Register, Sir Thomas Hope, Advocat, and Sir John Scot or any two of them, to examine the said Marion Burne and Elizabeth Nisbitt on the morrow in the Laich Council hous as to her guilt, and they ordain the said Mr. Alexander Kinneir to give in a list of the witnesses he intends to produce against the said Alison Nisbitt, so that letters may be direct against their masters for their compairance at the trial, which is to be before 22d March next.

Supplication by John Stewart of Coldingham, as follows:—The protection granted to him for settling his accounts with Alexander Cranstoun of Moreistoun and Robert Douglas of Blaikester respecting their nine years' intromission with his living of Coldingham, expires upon the last day of this month. They have made some good progress, but on account of the unwillingness of these parties to come to a settlement delays and difficulties have arisen, and he craves an extension of his protection in order to bring matters to a conclusion. The Lords grant him till 31st March next.

"That chargeis be direct aganis Williame Campbell and his compliceis for breking of the hous of Caddell."
"The Lords of Secret Counsell ordains the assessours appointed to the Justice for the tryell of Margaret Wod to report the processe upon Tuesday to middler with their advice concerning the relevancie of the dittay."

[As recorded above.]
Inchecallioch, which he is due to him, at the first term of Whitsunday next. Nonpayment is to involve the said penalty in addition to what is due.¹

Complaint by Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, as follows:—On 20th July last Alexander Gordoun, sier of Carnebarrow, Margaret Gordoun, wife of Cornellait, and Alexander Leslie in Conrache compeared before the Council and obliged themselves before 15th September, each under the penalty of 500 merks, perpetual imprisonment, and the loss of the alment allowed to them from their estates, either to conform to the presently established religion or leave the country and not return without his Majesty's licence; and further they bound themselves under the penalty of £500 not to reset Jesuits or priests meanwhile; and John Leslie, sometime of New Leslie, also compeared that day and obliged himself under the penalty of £500 to leave the country before Martinmas next; but they have not observed the same. The three first named having been cited and not compearing, the Lords decreem them to have incurred the said penalties, and ordain letters to pass thereon for execution.

May it please your lordships. By supplication exhibited unto us at the Counsell table by Bryce Sempill of Cathcart, Esquire, we doe perceave that he is bound over to the nixt assises for the countie of Londondorie for his appearance than and for observing his Majesties peace in the meane tyme; and in regard to the said Bryce Sempill is necessarie imploied and trusted in his Majesties service and speciall commissiou of valuatioun or survey of a great part of the shyre quhair he liveth in this kingdome so that he cannot without great prejudice to his Majesties service be licencet to depart this realme before May nixt, our request theairfoir on his behalfe is and upon his humble sute unto us we have thought fitt heirby earnestlie to intreate your lordships to excuse and dispense with his awne personall appearance at the nixt Lent assises without foresyfytting or estreayting his bands and to accept of his former assurance of the peace to be bound over of new againe for the said Bryce his appearance at the nixt Lambmesse assises and for his keeping the peace in the meane tyme, quhairy his partie may find no prejudice bot securitie frome his feare and all maner of danger whiche may ensow frome or by the procurement of the said Bryce Sempill. All whiche we doe heartily recommend to your lordships favourable construction in the behalfe of the gentleman, who hath ever caried himselfe weill in this kingdome, etc. Halyruthous, 24 February, 1631. Subscribitor, Dupline, Cancr., Hadintoun, Murrey, Galloway, Lauderdaill, Carnegy, Traquair.

¹ Here ends this volume of the Decreta.
"The whilck day Mr James Cockeburne, provost of Hadintoun, compeirand personallie before the Lords of Privie Counsell, accepted upoun him the commission for the lawes and gave his oath."

"The whilck day Thomas Jose compeirand personallie before the Lords of Privie Counsell, the saids Lords ordains the Laird of Fendraught to be taken cautioner for his compeirance upon the first Counsell day of Junij or sooner upon a citation of ten dayes under the pane of twa thousands merkes."

"The Lords ordains Margaret Wods processe to be continewed till Wednesday come aucth dayes."

Sederunt—Chancellor; Privy Seal; Dumblane; Melvill; Traquair; Holyrood House, 3rd
Master of Elphinston; Secretary; Clerk of Register; Advocate; March 1631.
Scottistavet; Sir James Baillie.

"Forsameikle as the criminal dyet appointed to Johne Meldrum of Reidhill, Alexander Leslie of Auquhorsak, Alexander Leslie of Elrick, Robert Dempster in Cushnie, and Patrik Leslie in Legatden for their compeirance before his Majestie Justice to underly the law for the burning of the houes of Fendraught is continued till the day of Junij nixt, and whereas the saids persounes ar disabled to attend upon this mater and give their appearance in maner foresaid in respect of some hirnings qhillis they underly, thairfor the Lords of Secret Counsell prorogate the warrand formerlie grantit to thame to the effect foresaid till the last day of the said moneth of Junij nixtocome, discharging in the meane tyne all shireffs, stewarts, bailleis of regaliteis and their depute, provests and bailleis within burgh, and all others his Majestie judges, officiars and magistrates to burgh and land, and als all messingers of armes of all taking, apprehending, warding or arresting of the persounes foresaidis be vertew of anie hirnings, captiouns, commissiouns or other warrand direct thairupon, discharging thame thairof and of their offices in that part during the space foresaid."

"The Lords ordains ane maisser to varne these that ar upon the Committee for perusing of the Grammar to meit upon Tuesday nixt and consider the twa grammars and to labour to reconcile the partieis and report."

"The Lords of Secret Counsell discharges Johne Rentoun of Lammertoun, who wes personallie present, of all carrying of anie more victuaull to Berwick to be delyvered to Johne Mairshell, and thae make no blockes of victuall, but sell the same in smalllis in the mercat of Berwick for the releefe of the inhabittants of the toun."

"The whilck day David Aikinheid, assisted with some of the commisioners for the Burrowes, compeirand before the Counsell, declared that he perused the overture givin in be the generall of the Cunziehouse for reforming the abuse of forrrane coyne current within the kingdome.

Report by David Aikenhead, assistant commisioner for the burgh and anent foreign dollars.
and declared that in regard the country is now fullie stored with dollours that it were not saulfe nor seasonable at this tyme ather to decry or discharge the course of dollours till the country were first supplie with better money, whilk in like likelihood may be hoped if the peace with Spaine be of anie continuance. And in the meane tyne the Burrowes thinkes it fitt that ane course be takin for restraining the forder imbringer of dollours be sea or land, and that the coale and salt maisters be discharged to receave anie dollours for their coale and salt after the expyring of the tyne to be appointed to that effect, and that the shireffs and justices of peace take speciall care to discover the imbringers of dollours, and a proportion of that whilk sall be deprehendit to be applied to the use of the discoverer; and declares that for the better furnishing of the country with his Majestie coyne it wer fitt that the bulyeoun sould be payed in forraigne coyne and not by exchange and that no forebulyeoun be takin bot that the same sould be payed be the merchant himselfe to the maister of the Cunziehous after his returne and not to be uplifted be the customers; and speciallie that none of his Majestie coyne be brokin, melted nor made bulyeoun of. Qubilk declaration made be the said David Aikinheid being heard and considerit be the Lords of Privie Councell and they advised theairwith, the saide Lords continews this mater in the estait whairin it stands untill the Conventioun of the Burrowes, and ordains the Burrowes to report at that tyne what forder the burrowes sall resolve upon theairin. And in the meane tyne ordains the said David Aikinheid and Mr Alexander Guthrie, who was personallie present, to give in in writ to the Councell the reasones and overtures propounded be thame this day to the intent the Councell may consider theairof.”

[Sederunt as recorded above.]
contains an express prohibition to all officers of arms from meddling with anything concerning the said patent, or funerals, interments, and the liberties, profits and commodities due to the said office; and he had caused the said patent to be proclaimed at the market cross of Edinburgh with sound of trumpet and all other solemnities requisite. Nevertheless Thomas Drysdale, "I ha Herauld," not content with what is due to his own place, usurps the place of the said Lyon King by giving arms at his pleasure and often to base and unworthy persons "not capable of that order." He has corrupted the arms and badges of sundry of the nobility without the allowance or knowledge either of them or of the complainant, and in everything proper and due to the complainant, he "does and undoes at his pleasure, disdaining and contemning to acquaint the compleaner thairwith or to crave his advice and opinion thairin, and in effect studeis to make the compleaner ane cipher, leaving to him the bare name, and he himselfe to have full and sole administracion of the compleancers place and office, and with that he does forder what in him lyes to stirre up the rest of the heraulds in a mutinous factiou aganis the compleaner." The pursuer comparing and also the defender, the Lyon King passed from that part of the complaint relating to funerals and interments, and parties having been heard, the Lords ordain the defender "to forbeare the giving out of anie new armes to whatsomever persoun or persons without the advice and approbation of the said Lyoun, and that he give not out anie extracts of armes till first his bookes of armes be seene and allowed be the said Lyoun; quhilk booke the said Lords ordains the said Lyoun to delyver to the said defender betuix and the first day of Maj nixt." Supplication by Andrew, Lord Jedburgh, as follows:—To prevent the utter ruin and decay of his house which is threatened by the great burden of debt under which it lies he is resolved to sell a considerable part of his estate. For this, however, he must come to Edinburgh and obtain "the advice and counsell of advocate resident" there, but cannot do so without their Lordships' warrant, which he therefore craves. The Lords grant him their protection until 1st July next. "Ane protectioun for the lyke caus grantit to James Kennedy of Blairquhan and Josias Stewart of Ravinstoun untill the last day of Marche nixtcome." "The lyke protectioun upon the same ground grantit to Mr. Mathow Crawford untill the fyft day of Apryle nixt." After our verie heartlie commendatiouns. By your letter of the 26 of Februarie last and by the copeis of the others letters sent thairwith to us we perceave how carefull yow have beene to foresee and prevent the projects and resolounis of some of your nighbours who intendid to have frustrat yow of the favour shovne by us unto yow tutcheing the suppling of your toun with cornes now in this tyme of deareth and skarsetie; quhairin we acknowledge yow have done weill seing what we
did thairn wes for the releef of your town altho our owne country might not convenientlie spare it, and we assure ourselfes that if the Counsell of England or the maisters and officers of his Majestie hou wer truelie informed how the cause of your town now stands they would be sparing to give care to anie such propositioun so prejudicall to your town in this necessitous tyme; quhairof as yow sall find the occasioun yow may make thame acquainted. Qhillik remitting to your owne consideration we commit yow to God. Frome Halyrudhouses the third day of Marche 1631. Subscribitur, Geo: Cancell., Hadintoun, Melvill, Traquair, A. M. Elphinstoun, Arch: Acheson, Hamiltoun, Scottistarvet, James Baillie."

Supplication by Agnes Maxwell, Lady Stenhous, and Cuthbert Hamilton of Cander, her husband, as follows:—She is tutrix testamentar to James Hamiltoun of Stenhous, her son, in whose behalf, out of her motherly affection for him, and for the welfare of the house of Stenhous, she was forced to take upon her the burden of the debts to which he was liable as heir of the deceased James Hamiltoun of Stenhous, his father, which amounted to 17000 merks. Of this burden she has never yet been relieved. Seeing her son is now of age and that through the intervention of friends he and she have arranged for a meeting in Edinburgh to settle all questions between them and the reimbursing her of this said debt, but that she and her husband cannot safely go to Edinburgh without their Lordships' protection, she craves the same. Their Lordships grant it to the suppliants until the last day of March next.

Sederunt—Chancellor; Gallouay; Traquair; Dunkeld; Secretary. Clerk Register; Advocate; Justice Clerk; Scottistarvet.

The whilk day in presence of the Lords of Secrete Counsell compeird personallie David Aikinheid, lait provest of Edinburgh, and Mr Alexander Guthrie, town clerk thairof, assisted with some commissioners for the Burrowes, and gave in thair overtures and reasons underwritten anent the manner of the coyne, of the quhilk the tennor followes:—In the particular Convention of Burrowes haldin at the burgh of Edinburgh the third day of Marche the yeere of God j^m^vj^c^ and threttie ane yeeres be the commissioners of the Burrowes there convenened be vertew of ane misive letter direct to thame frome the said burgh of Edinburgh of the daft the fourt day of Februaire last bypast, the whilk day the saids commissioners being convened—Whereas there being ane petition preferred to his Majestie be the general of the Mynhous of this kingdome contening certane overtures for reforming the present abuse of the coyne occasioned through the course of dollours within this countrie, and the Lords of his Majestie most honorable Privie Counsell having ordained his Majestie free Burrowes to be acquainted thairwith and ane copie
that of be delievered to thame that they might the first of Marche be heard hereanent, and there being ane few number of the commissioners of the saids borrowees conveennd, and they having perused the said petition and overtures therein contenent they did find there would be ane great danger to cry in or stoppe the present course of the saids dollours considering the masse of the hail present coyne of this kingdome did consist of these species of dollours and that it soould prove verie prejudicial to the hail lieges if order be takin thairwith before the countrie be sufficietlie provided with other money; and so muche the rather that probablie if the peace soould continew with Spaine the countrie might be disburdenned of the saids dollours and others moneys brought in. That therefore it would please the saids Lords not to take anie forder order with the saids dollours till more mature deliberatioun wer takin thereanent with advice of all suche as the said mater did concerne. And for preveening of forder incomming of the saids dollours that the saids Lords would be pleased to discharge all persons from bringing in of dollours within this kingdome ather be sea or land and grant ane warrand to his Majesteis shireffs, Justices of Peace, and provests and baillieis within burgh, to searche, seeke, take and apprehend all suche persons as bringis anie of the saids dollours within the kingdome and to confiscat the same, the ane halfe to his Majesteis use and the other halfe to the apprehenders; as lykewyes to discharge the maisters of ocaleheuches and saltpannes to receave anie species of the saids dollours under suche his panes as it saill please the saids Lords to appoint: and for forder incomming of bulyeoun that the saids Lords would be pleased to discharge the customers from receaving of bulyeoun, and that the whole bulyeoun be receaved be the maister of the Cunziehous from the merchants after thair returne from thair voyages allanerlie and that in forrane coyne and nane in English money, and that all persons be discharged from melting anie of his Majesteis coyne old or new under suche panes as it saill please the saids Lords to in Juryne. Whiche course being in tyme takin doubleesse will prove profitable to the whole kingdome. And in the meane tyme the present commissioners ordains the said mater to be recommendit to the commissioners to be conveennd at thair nixt generall Conventioun, and ilke burgh to be required to send thair commissioners sufficientlie instructed with thair best advices for reforming the present abuses of the coyne and farder imbring of money within this kingdome; and this to be ane heid of the nixt missive. Extract furth of the register of the Acts of the Conventioun of Borrowes be me, Mr Alexander Guthrie, commoun clerk of Edinburgh and clerk also to the saids Borrowes, witnessing heirto this my signe and subscription manuall.

A. Guthrie.”

“For sameeke as William McLauchlane, now prisouner in the tolbuith of Edinburgh, is convict before our soverane lords Justice and his depute of the cryme of bigamie; and whereas the said Justice hes crave the
counsell and advice of the Lords of his Majesteis Privie Counsell anent the doome to be pronouced be him againis the said William Lauchlane [sic], and the saids Lords after conference and reasoning heerupoun, considering the nature and qualitie of the offence quhairof few hes occurred of that kynde within this kyngdome, and that the said Lauchlane having remained apart fra his first spous be the space of diverse yeeres, whairupon he alledges ignorance of her being alvyve the tyme of his marrying of the second woman, thairfor the saids Lords ordains his Majesteis Justice and his deputs to call the said William before thame in judgement and to pronounce doome againis him, ordaining him to be banished this kyngdome and never to returne agane within the same without his Majesteis licence had to that effect under the pane of death, and for this effect that he depart furth of this kyngdome betuix and the first day of Apryle nixtocom to under the pane foresaid."

"The whilk day John Steuart of Coldinghame and Robert Douglas of Blaikester compeirand personallie before the Lords of Privie Counsell actit and obliest thame to forbear all injurious speeches the one aganis the other and not to upbraud others with revylling words, either of thame under the pane of twa thousand merkes, to be uplifted from the con-traveenners to his Majesteis use."

[Sederunt as recorded above.]
Lord Dalzell, Sir Robert Greir of Lag, and Robert Crichtoun of Ryhill, or any two of them, of whom the Viscount of Drumlanrig shall be one, authorising them to hold courts and try the pursuer on such specific charges as shall be contained in the indictment to be laid against him, and minister justice in the matter conform to law.

Complaint by Thomas Gowdie, merchant burgess of Dumfreys, as follows:—The Commissioners of the Middle Shires proclaimed the holding of a justice court at Dumfreys on 8th February last, and upon the information of Katherine Edzer, widow, Agnes Maxwell, mother, and the remanent kin and friends of the deceased Harbert M'Kie, younger, burgess of Dumfreys, they cited the complainer to underlie the law for the slaughter of the said Harbert M'Kie. Now, in thus acting they have proceeded illegally, because he was already tried on this charge before the Justice and his deputes in the tolbooth of Edinburgh in June, 1623, when it was proved that the said Harbert received no hurt from the complainer, and that “his death proceedit frome the straie of ane hors,” and the Justice continued the process until a new citation should be given upon fifteen days’ warning. He cannot therefore be brought before new judges, but the final decision must be given by the Justice before whom the case was begun. Besides, the said commissioners were not clad with their commission at the time of the alleged slaughter in December 1622, and therefore cannot be judges in a matter which did not occur within the term of their commission. Further, the said commissioners cannot be judges to the complainer because the said Agnes, the mother of the said Herbert, who is chief pursuer of the complainer, is “descendit frome the specialls of the name of Maxwell, and being assisted and backed be the Laird of Conhaith, who was one of the complainers persuerwes before his Majesties Justice Generall, thair power, credite and freindship is so great in these bounds and thair malice so extreme and violent aganis the complainer as he darre not repaire to anie justice court or commissioner court within the Middle shires; it being weill knowne in the countrie that this persute is not so mucho moved aganis the complainer for anie zeale of justice as of malice.” He is most innocent of the crime charged against him, and is “ane ignorant man, not acquainted with the lawes, and greatlie invyed becaus it hes pleased God to blesse his vertewes and industrews with some little portioun of meanesa.” He therefore pleads that his trial should be advocated from the Commissioners to the Justice Generall and his deputes. The saids Commissioners, being cited and compearing by Robert Maxwell of Logane, and the pursuer also compearing, and parties having been heard, the Lords discharge the said Commissioners of all proceeding in this case, and leave the same with the Justice and his deputes before whom it was first commenced.

Complaint by Patrick Abirmethie, tenant to Margaret Crichtoun, Lady Eistnabib, and the said Lady for her interest, as follows:—She had
late gone abroad and Alexander Cranstoun of Morestoun, taking advantage of her absence, on 12th January last fenced a court in East Nisbit, which he cited the said Patrick Abirnethie and some others of her tenants and declared that he would have them taken bound to do him service under a penalty of £40 each. They refused, and upon the said Patrick offering to him his rent as being all he could lawfully crave Cranstoun "brake ane great battoun upon his head and arme in foure peeces." Pursuers and defender comparing and being heard, and probation being referred to the defender's oath of verity, he confessed that "he strake the said persewer with ane sticke upon the shoulder and brake the same upon him, but denied that he strake him on the head." For this the Lords ordain him to pay ten merks to the pursuer and 40s. to each of the witnesses. And because he said to the pursuer in the outer Council house, "If I thought thow sould have compleanned upon so small a fault, I sould have brokin thy heid worse," the Lords ordain him to be warded in the tolbooth of Edinburgh and to remain therein upon his own charges until he pay a fine of £40 to his Majesty's Treasurer.

Complaint by John, Lord Areskine, as follows:—At great expense he has brought into this kingdom a number of strangers "skilled and expert men in the tanning of ledder" to instruct the tanners and barkers how rightly "they sall reforme their potts and dresse and handle their ledder the tyme that the same lyes in their potts." Many of the tanners have embraced this reformation in terms of the Acts of Council and public proclamations thereupon, and both their private interest and the public welfare have thereby benefited, yet "the most rude and ignorant in that trade, as namelie, William Gariech in Skalloway Bankes, Jehoram Jamesoun, James Broun and Thomas Marjoribanke thare" oppose the same, refuse all instruction, and their hides not being allowed to remain in the pots for a sufficient time, are brought to market raw. He pleads that they may be punished for their contempt and compelled to obey the law. The pursuer comparing by Lewes Somervell, his servant, but the defenders not comparing, the Lords ordain that they be put to the horn and escheat.

Supplication by John Monro, son of the deceased Mr. John Monro, minister at Tarbet, as follows:—During his minority when he was ignorant of his father's debts some of the creditors took him as cautioner for these debts. His father has died leaving nothing to him but this burden of debt if he will enter heir thereto. The creditors have used all legal process to compel him to do so, keeping him under hornings so that he cannot go about in the country to transact his business, and he has some important affairs coming before the Lords of Session and other judges. These cautionries cannot legally bind him, yet he is debarr'd from doing anything even for the relief of these creditors. He therefore craves their Lordships' protection; and this they grant until 1st August.
next, but only in respect of such hornings as have been executed against him as cautioner for his father's debts, and not against any executed against him for his own debts.

Supplication by David Vaus, sometime of Biance, as follows:—Having been imprisoned by some of his creditors in the tolbooth of Edinburgh, he, with their consent, was set at liberty in order to attend certain actions of spoliation at his instance before the Lords of Session against the deceased Mr. George Butler and others, whereby he hoped to be enabled to satisfy his said creditors. Now his prosecutors, finding that he is likely to get the better of them, are threatening him with captions and other legal procedure, which will frustrate the hopes of the supplicant and disappoint his creditors, wherefore he craves their Lordships' protection. This they grant until 2nd April next.

"The Lords prorogatis the warrand grantit to Closeburne untill the xv day of Aprile nixt."

Sedemt.—Chancellor; Privy Seal; Murrey; Bishop of Dunkeld; Holyrood House, 10th March 1631.
Bishop of Dublaine; Melvill; Master of Elphinstone; Secretary.
Clerk of Register; Advocate; Justice Clerk; Scottistarvet.

"The Lords of Secret Counsell ordains the Bishops of Dunkelden and Dumblane, the Clerk of Register, Advocate, and Sir John Scott, to meet the morn after the dissolving of the commision, and to call before thame M' Alexander Home and M' David Wedderburne and to deale and travell to settle and agree thame anent the composition and satisfactiou to be made be the said M' David to the said M' Alexander for having the sole libertie of printing and selling of the grammar composed be the said M' David and that the same grammar be solelie receaved and taught throughout all the grammar schooles of this kyn-
dome, with a prohibitiou to the maisters of the grammar schoole of all teaching of anie other grammar, without prejudice and with exception awayes of the grammar made be the said M' Alexander, whome the Lords allowes to teache the same to his owne schollers allanlie."
Majesteis Signet, privie and great seales, and keepers of the said signet Acta Januany
and seales to write, pas and expede the said remissioun gratis, and to use all convenient diligence therein, and to have the same in readinesse to be exhibite to the Counsell upon Tuesday next to the effect the Lords may delyvery the same in Counsell to the parteis whome it doeth concerne."

"The Lords ordains his Majesteis Thesaurar and Deputie Thesaurar to prepare and have in readinesse aganis Tuesday next twa thousand merkes to the intent the Counsell may delyver that of fyve hundreth pund to Lauchlane Mcintosh, fyve hundreth pund to William McLauchlane, Angus sonne, and fyve hundreth merke to George Dallas, as ane tokin of the Counsellis favourable respect towards thame and good acceptance of the service done be thame and thair followers in taking of James Grant, rebell."

"The Lords nominates and appoints the Clerk of Register, Advocat, Justice Clerk and Justice Depute, or ane three of thame, to examine the complies of James Grant, prisoners within the tolbuith of Edinburgh, upon Saturday next; and ordains his Majesteis Advocat to persew thame criminallie upon Mononday thereafter reserving always the tryell of to a more convenient tyme."

"The Lords of Secreit Counsell modifyes and allows to James Grant, now prisoner in the Castell of Edinburgh, ane merke in the day for his interteament frome the fyft day of Marche instant upon the quhilk he was committed to waird within the said castell, and daylie thereafter during his remaining in waird within the said castell, and to his keeper half ane merke daylie, to be payed to thame be his Majesteis Thesaurar and Deputie Thesaurar."

"The whilk day Thomas, Erle of Hadintoun, Lord Privie Seale, accepted upon him the commission for surveying the lawes and gave his oath."

"Forsameekle as the Lords of Secreit Counsell hes appointed the 25 day of Marche instant for the tryell of John Neill, warlocke, of the crymes of witchecraft and sorcery layed to his charge, and whereas it is necessar that the persouns who best knowes the veritie of the particular dittayes givin in aganis him be present to give information and light thereanent to his Majesteis Justice and assise for the better cleering of the saids dittayes, nevertheless they will not compeir in that mater without they be compellit. Thairfoir the Lords of Secreit Counsell ordains letters to be direct charging John Purdie in Mordingtoun, Helene Wedderlie there, Cuthbert Meyne there, Robert Deans there, Robert Andersone in Mordingtoun mylne, to compeir personallie; as alsua charging Sir James Douglas, knight, as maister and landalord to the saids persouns to bring, present and exhibite thame before his Majesteis Justice and his deputies within the tolbuith of Edinburgh upon the said 25 day of Marche instant; as alsua charging George
Nisbitt in Paxtoun, Thomas Nisbitt there, Adame Yviot there, Johne Wilsone there, Elapett Cooke there, Alexander Broun there, Johne Watson there, Elspitt Achesone, his spouse, David Gilkison there, William Gilkison, his sonne, and Margaret Gilkison his daughter, Marion Dagleish there, and James Coresbie in Haymouth, to compeir personallie; as alsa charging Sir David Home of Wedderburne as maister and landlorn to the saide personur to bring and exhibite thame before his Majestis said Justice the said 25 day of Marche instant; as alsa charging George Roull in Foulden, Thomas and Alexander Cranstons there, to compeir personallie; as alsa charging Johne Wilkie of Foulden as maister and landlorn to thame to bring, present and exhibite thame before his Majestis said Justice and his deputys in the tolbudith of Edinburgh the said 25 day of Marche instant; as alsa charging Johne Mack in Mordingmill, Robert Purves, his servant, Patrik Miller at Bellie mylne and James Ridpeth, servitor to the Erle of Angus, to compeir personallie; as alsa charging William, Erle of Angus, as maister and landlorn to thame, to bring, present and exhibite them before his Majestis said Justice and his deputys the said 25 day of Marche; as alsa charging George Acheson in Chirneside, Niniane Chirneside in Nynewall mylne, David Clerk in the West mylne of Chirneside, Margaret Tivotdaill, his spouse, Edward Shirra in Killobastill and James Home of Chirneside Maynes to compeir personallie; as alsa charging James, Erle of Home, their maister and landlorn, to bring and exhibite thame before his Majestis said Justice in the tolbudith of Edinburgh upon the said 25 day of Marche instant; as alsa charging Marion Burne in Hiltoun, Henrie Strang, hir sonne, Beatrix Strang, her daughter, and Archbalb Strang in Hiltoun, to compeir personallie; as alsa Mr Alexander Swintoun of Hiltoun as maister and landlorn to thame, to bring, present and exhibite thame before his Majestis said Justice in the tolbudith of Edinburgh upon the said 25 day of Marche instant; as alsa charging Mr George Roull, minister at Mordingtoun, Mr Allane Lundie, minister at Huttoun, Mr Thomas Ramsay, minister at Foulden, Johne Gaits, minister at Bonkill, Mr Alexander Smith, minister at Chirneside, Mr David Home, minister at the Ladie kirk, Mr Johne Home, minister at Eymouth, Mr Alexander Kinneir, minister at Quightsome, Mr Mathow Carrail, minister at Edrem, James Home in Samuelston mylne, Johne Ridpeth sometyme of that Ilke, now dwelling in Uplaheneuche, to compeir personallie before his Majestis said Justice and his deputys in the tolbudith of Edinburgh the said 25 day of Marche instant, to declare the truth in so farre as they know or sal be speirit at thame concerning the said Johne Neill his dittay and his practises in witchecraft and sorcerie, under the pane of rebellion, etc., with certificatioun, etc."
"Forsameekle as Alesoun Nisbitt hes beene this long tyme deteanned in warde within the tolbuth of Edinburgh as suspected and delated of the detestable cryme of sorcerie and wicchecraft, and whereas it is a point of injustice to deteane her still in warde without a lawfull tryell, thairfor the Lords of Secret Counsell hes thought good that she sall be putt to her tryell with convenient diligence. And for this effect necessar it is that the persouns underwrittin, who ar thought to be best acquainted with the said Alesone her practises, be exhibite before the saids Lords to declare the truthe in so farre as they know or sall be speirit at thame concerning that mater, quhilks persouns will not compeir and depone thairin without they be compellit; thairfor ordains letters to be direct charging Johne Home in Litanvolt, Johne Polwart, and his spous, there, and Elspitt Home in Litan to compeir personallie; as alsa charging James, Erle of Home, as maister and landlord to thame, to bring, present and exhibite thame before the Lords of Privie Counsell upon the twentie fourt of Marche instant; as alsa charging Issobell Nisbitt, wedow in Hiltoun, Archibald Prestoun there, Archibald Strang and Elspitt Taitt, his spous there, to compeir personallie; as alsa charging Mr Alexander Swintoun of Hiltoun, as maister and landlord to thame, to bring, present and exhibite thame before the Lords of Privie Counsell upon the said 24 day of Marche instant; as alsa charging Alexander Leuggat in Harras, Bessie Monylawes there and William Clerk there to compeir personallie; as alsa charging John Swintoun of that Ilke as maister and landlord to thame, to bring, present and exhibite thame before the saids Lords the day foresaid; as alsa charging spous to Johne Paterson, cooke to the Laird of Blacader and Robert Swyne there, to compeir personallie; as alsa Sir Johne Home of Blacader, as maister and landlord to thame, to bring, present and exhibite thame before the saids Lords the said 24 day of Marche instant, to declare the truthe in so farre as they know or sall be speirit at thame concerning the said Alesone her practises in wicchecraft under the pane of rebellion, etc., with certificatoun, etc."

[Sederunt as recorded above.]
Supplication by Thomas Gordoun of Dilspro as follows:—He has an action of reduction pending before the Lords of Session against Andrew Gray in Peterhead who has apprised his lands as one of the cautioners of the deceased Adam Gordoun of Boghoill for 2000 merks which were due to Robert Irwing, lawful son of Mr. Richard Irwing of Hiltoun, assigned by him to Thomas Thoiris, who transferred the debt to the said Andrew Gray and the deceased James Walker. They, by the conditions of the assignation to them were bound to “discuss” the said Adam Gordoun before distressing the supplicant; but although Adam Gordoun lived six years after the debt came into their hands they never interfered with him. The supplicant's case is about to be heard, but Gray has taken out letters of horning against him and a warrant that he shall obtain no suspension without consignation, ignoring the obligation in his titles of first discussing Adam Gordoun. The supplicant has obtained a locus standi in the case from the said Lords, but is prevented from seeing and advising with his advocates and acting as a free person in this matter by reason of the foresaid horning, and therefore craves their Lordships' protection. This they grant till 1st April next.

Supplication by Sir James Lokhart of Lee and William Allane, writer in Edinburgh, creditors of John Kennedie, sometime of Blairquhan, as follows:—Kennedie is very willing to satisfy their claims so far as in him lies, but is prevented by certain differences between him and Josias Stewart, who had the intromitting with his estate and living for a long protection to John Kennedy, sometime of Blairquhan.

Sedereunt—Chancellor; Privy Seal; Murrey; Galloway; Seafort; Holyrood Launderdaill; Bishop of Dunkeld; Bishop of Dunblane; Melville; Traquair; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir James Baillie.
"Forsamekle as it is understand to the Lords of Privie Councell that there is some troubles and inconveniences latelie fallin out betuix Johne, Erle of Perth, heretable foster of his Majesteis Forrest of Glenerknay, and Johne Drummond of Drummanerinoch, his depute keeper of the said forrest, on the ane part, and George Buchannan of Leny and some of his brethren and freinds on the other part, quhilks a lyke to produce great inconveniences, to the breake of his Majesteis peace without remeid be provydit, thairfoir ordains letters to be direct charging the said Erle of Perth and Johne Drummond of Drummanerinoch, on the ane part, and the said George Buchanan of Leny, on the other part, to find caution and souertie actit in the bookes of Secreet Councell that they for thameselfis, and takand the burdein upon thame for all suche persons as they ar obleist to anser for be the lawes of this kingdome and Acts of Parliament, sall observe our soverane lords peace and keepe good rule and quyettis everie ane of thame with other, and that they nor none of thame, nor none of thair causing, sending, hounding out, command, ressett, assistance nor ratihabitioun, whom they may stoppe or latt, sall invade, molest, harme, trouble nor persewe one another for whatsoever deid, caus or occasionioun, otherways nor be order of law and justice, under the panes following—viz., the said Erle of Perth under the pane of fyve thousand pundis and ather of the ither two persons abonewritten under the pane of fyve thousand merkis, and that they find the said cautior and souertie actit in maner foresaid within sax dayes after the charge under the pane of rebellion, etc., and if they fallye to denunce and to echeit, etc."

"Forsamekle as Mr David Wedderburne, maister of the Grammar Schoole at Aberdeen, hes latelie with the common advice of his brethren, teachers of the grammar schooles within this kingdome, framed and drawin up ane grammar as ane abridgement for facilitating of Despauters Grammar for the weale of the youth and gayning of much tyme in the progress of thair studeis and learning of good authors in the Latin tongue; and this his worke hes the approbatioun and allowance not onelie of the whole maisters of best marke but alsua of all the Colledge and Universiteis in this kingdome; and whereas his panes and travaillis in so necessarie and good ane worke for the weale of the publict sould be in some measure acknowledged, quhairthrow he, and others in imitation of him may be encouraged to follow the lyke worthie and commendable interprys hereafter: thairfoir the Lords of Secreet Councell hes thought it verie just and equitabile that the said Mr David sall have the sole and onelie libertie and priviledge of printing of the said booke for some certane yeeres to be taught allanele be suche who please to embrace the same voluntarlie without excluding of others to teache other grammars at thair pleasure. And for this effect the saids Lords hes givin and grantit and be the tennour hereof gives and grants to the said Mr David Wedderburne, his airis and assigneyes for the space
of twentie ane yeeres nixt after the dait heirof, the sole and onelie libertie and priviledge of printing of the said grammar; discharging heirby all his Majestis lieges and subjects whate ever of printing of the said grammar ather within or without this kingdome but suche as sall be warranted and allowed be the said Mr David; discharging alsa all his Majestis saids subjects of selling anie of these bookes quhilkis sall be printed without this kingdome and imported within the same to be sauld, bot that they suffer and permit him and his foresaid peaceable to bruike and enjoy this libertie and priviledge as the fruict of his panes and labours as they and everie ane of thame will answer upon the contrair at their highest charge and under the pane to be persweed and punished in their persons and goods as contemners and misregarders of his Majestis royall directiouns at the arbitrement of his Majestis Counsell: and ordains letters of publicaction to be direct heerupon to the intent nane pretend ignorance of the same."

"The Lords appoints Fryday nixt for tryell of James Grant his James Grant's complices."

"The Lords ordains the Justice to continew the pronouncing of doome James Scott, againis James Scot till Thursday nixt."

[Sederunt as recorded above.]

Complaint by John, Lord Areskine, as formerly [ante p. 162] against the following refractory tanners, viz.—Thomas, John, and Bernard Ranye, Thomas Strauchane, John Ogilvie, Alexander Mylne, Robert Haillis (Hillis), James and Bernard Grant, John Strauchane, Ninian Dewart, William Colling, William Alexander, Andrew Buchart, Alexander Heriot, John Grant, James Mader, and David Wod, all indwellers in Arbrothe, and John Qubyte in St. Androis. The pursuer comparing personally but none of the defenders, the Lords ordain them to be put to the horn and escheat.

Complaint by Elizabeth Inglis, wife of Abraham Stewart and widow of Robert Hamilton of Brigs, as follows:—On 25th February, 1630, she obtained from their Lordships a decree of separation from her husband, Abraham Stewart, for a year, and for her subsistence and that of her three children by her first husband and of one child by Abraham Stewart, they modified to her the sum of 450 merks which had been provided to her by her first husband from the lands of Brigs. Their Lordships also on 2nd April last by their decree ordained James Hamilton, now of Brigs, to pay the said aliment to her. The said Abraham still continues in his wicked disposition towards her, and for a long time on her account has lain in wait for her brother's life, and has sold (as she has been informed) her liferent abovementioned to her prejudice and that of her children. She craves therefore that their Lordships would continue her aliment for the following year, and from
year to year thereafter during their separation. The pursuer comparing personally and also the said Abraham Stewart and James Hamilton of Briggs as defenders, and being heard, the Lords continue the aliment as

Supplication
by George
Lawder of Basse
and Lady Basse
for protection
that they may
satisfy their
creditors.

Supplication
by Thomas
Kirkpatrick of
Closburn for
protection that
he may satisfy
his chief
creditor, Bryce
Semple.

Complaint by
George Baird
of Auch-
medden and
George Gregour,
his servant, against John
Cheyne in
Esslinton, who
has evaded the
ward to which
the Council
had ordained
him.

craved and ordain the said James Hamilton to pay the same to her at the usual terms.

Supplication by George Lawder of Basse and Isobel Hepburne, Ladie Basse, his mother, as follows:—"It is notourlie knowne what heavi
trouble, miserie and distresse they have susteanned and still underly
these diverse yeeres bygane, their rents and living being posset and
intrometted with be others, and thameselfes reduced to that pitifull
estait and condition that they have endured all the miseries whairwith
disgrace and want could possiblie affect thame." They are now resolved
to take steps to repair their ruined estate and satisfy all their creditors,
and for this end will require to consult advocates, but cannot do so as
they are presently at the horn. They therefore crave their Lordships' protection; which is granted till 15th June next, providing they trouble
not the tenants in the meantime, otherwise this warrant is to be null.

Supplication by Thomas Kirkpatrik of Closburn, as follows:—His Majesty having been informed of the heavy burden of debt which lay upon
his house, whereby it was threatened with utter ruin, was pleased by
letter to recommend the taking of some timely course for settling the
differences between the supplicant and Bryce Sempill, his principal
creditor. Their Lordships had accordingly summoned Sempill before
them, and, after hearing parties, remitted to several of their number to
take means for settling matters between them, which they have now
worthily and honourably done. It only remains that he should make
payment of the sum agreed upon to Sempill, for the obtaining of
which he must either sell or wadset part of his estate, and as this will
require some time he craves their Lordships' protection against certain
hornings. The Lords grant him till 1st July next.

Complaint by George Baird of Auchmedden, and George Gregour, his Fol. 172, b.

servant, as follows:—They had cited John Cheyne in Esslinton before
their Lordships for "ane insolence" committed by him against them,
which being found proven, he was ordained to enter to ward in the tol
booth of Edinburgh. The complainers caused execute the charge, which
he disobeyed and "past to the horne." They understand that upon a
representation made by him to the Lords that he was not lawfully
charged, as he was in Zetland at the time, he has obtained suspension
of his horning till 9th June next; which representation is false, as the
charge was executed against him personally, and his sole intention is to
give the complainers fresh trouble. Seeing he is presently in this burgh
it is expedient the suspension be discussed now. The pursuers Fol. 173, a.

comparing by Patrick Rankene, servitor to one James Baird, their
procurator, and the defender, John Cheyne, also comparing, there was
produced the decree by their Lordships finding that the said John
Cheyne with a drawn sword wounded the said George Gregour on the cheek in the belief that he was attacking George Baird, his master, on whom he had threatened to be revenged, and ordaining him therefore to be warded within the tolbooth of Edinburgh; and the Lords, after hearing parties, commit the defender to ward in the tolbooth of Edinburgh until he pay the expenses of the witnesses produced in the first complaint, and find caution acted in the books of Secret Council for the indemnity of the said George Baird and his men, servants, etc., in £1000.

"That missives be direct to the Lairds of Lawers, Mushett, Inche-braky and Auchteryre, for visitinge of the haile persouns on ather syde, and for doing of thair best indevoris to satle thame in peace" (i.e. the Earl of Perth and the Laird of Leny).

"The Lords continewis Captane Rollock, Byth and Gammie to Twisday nixt, and ordanis thame to attend that day."

"After our verie heartlie commendationis. Yow have heard of the troubles and unhappie accident late lie fallin out betuix Johne Drummond of Drummanernoch and his brethren and servants, on the one part, and the Laird of Leny and his brethren and servants, on the other part, quhilks ar lyke to disturbe his Majestis peace and to draw on great inconveniens in the country if some good course be not tane for preventing the same; and knowing your good affection and dispositioon to the peace and quyetnes of the country and that yow may doe some good offices for preventing the forder growth of thir troubles and settling of the parteis in some good terms of freindship, we will thairfor request yow to make your addresse to the place of Drummon quhair the haur persons of either side now remaines and that yow try and informe your selfe sufficientlie in what estait and condition the saids persouns ar and what appearance there is of lyfe or death; and that yow use your best endeavours with both parteis to moderat thair present greffis and displeasure and to give care to some terms of reconciliation; and that yow report your proceedings heerin to us betuix and the last of this instant. We have writtin to the Lairds of Lawers, Muschet and Auchteryre to concurre and joyne with yow in this earand who we ar assured will not be deficient in anie thing that convenientlie they may doe; and remitting this to your care and diligence as ane point of service quhilk will be verie acceptable to his Majestie and us, we committ yow to God. Frome Halyrudhous the 16 day of Marche, 1631. 

Subscribitor, Geo: Cancell., Hadinton, Morrey, Lauderdaill, Dunkelden, Arch: Achesone, S' Thomas Hope."

"The whilk day the missive letter underwrittin, signed be the Kings
Majesty and directed to the Lords of Privie Counsell, was presented to the said Lords and read in their audience, of the quhilk the tennour followes:—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greete yow weill. We ar informed frome our beloved Sir James Balfoure, knight, our Lyoun King at Armes, that he by our letters patents of that service under our great seale is exempted frome payment of anie taxatious and that for manie ages his predecessours in that service have enjoyed that and suche lyke priviledges frome our royall progenitours. We thairfoir out of our pricelicel consideratioun and regarde to the preservatioun of the ancient esteem of that office have thought fitt to will and require yow to take notice and tryell of the said grant and presidents of former ages, and according unto thame expede unto the said Sir James ane immunitie and exemption frome payment of anie taxt, stent or impositioun grantit unto us in that our kingdome. Quhairin not doubting of your conformitie to this our pleasure, we bid yow farewell. Givin at our Court at Whitehall the 22 day of Februarie 1630, stylo Anglicano.¹ Quhilke missive being heard and considerit be the saied Lords and they advised thairwith, the Lords of Secret Counsell ordains the Lord Melvill and Clerk of Register to sight and consider the grants and warraunds whairby he clames the said immunitie and to report upon Tuisday nixt.”

“The Lords continewes the commissioun given to the Bishop of Dumblane and Advocat to travell betuix M’ Alexander Home and M’ David Wedderburne for agreing of thame anent the satisfactioun to be given be the said M’ David to M’ Alexander Home for having the sole printing and selling of the grammar composed be the said M’ David.”

A sum of 2000 marks given to Lachlan M’Intosh and others for their services in the apprehension of James Grant—their past crimes are also remitted.

¹ 1631 after the Scottish style. The change 1st January did not take place in England till of the beginning of the year from 22th March to 1753. It took place in Scotland in 1600.
rebell James Grant. Lykeas alsa the said Lord Chancellor delyvered to the said Lauchlane for himselfe and in name and to the behove of the others persons who assisted him in the said service ane remisission under his Majesteis great scale for all crymes committed be thame preceeding the date heirof, and that in remembrance of thair notable service foresaid. Quhilk remisission and sounes of money foresaid the persons abonewrittin reverentlie receaved frome the said Lord Chancellor upon thair knees.”

[Sederunt as recorded above.]

Complaint by . . . . Dowglas, widow of Robert Johnstoun of Recleuche, and Thomas and John Johnstoun, her tenants, as follows:— About four weeks ago William, Earl of Angus, apprehended the said tenants and imprisoned them in the Castle of Dowglas, where they still lie in great misery. He professes to have arrested them by virtue of a commission from their Lordships over such of his own removeable tenants within his baronies of Dowglas, Crawfurde and Wandell, as are suspected of theft, but the said Dowglas has no dependence upon the said Earl. They have also offered caution to appear before his Majesty’s Justice and answer to any crimes to be laid to their charge, but the said Earl will listen to no offers. The pursuers comparrying by Mungo Johnstoun, their brother, and the Earl of Angus being also personally present, the latter declared that he apprehended the two Johnstoun foresaid with the fang of a stolen horse, and that being tenants of one of his own vassals he has fixed a court for their trial about 15th April next. Mungo Johnstoun replied that he offers to prove by the testimony of witnesses that the said horse was not a stolen horse, and that no one has ever challenged the horse as suche; and, moreover, the pursuers are willing to find caution to answer to any charge upon lawful citation. The Lords, after hearing parties, allow of the taking of the pursuers as prisoners by the Earl of Angus and free him of all danger on that account, but ordain him to put them to liberty, they first finding caution, Thomas Johnstoun in 1000 merks and John Johnstoun in £500 that they will appear before the Commissioners of the Middle Shires in a Justice Court to be held by them at Lanark on 15th April next and answer upon a charge of theft and reset of theft, and that they will not molest Mungo Wilsoun in ...

Complaint by the Moderator and brethren of the Presbytery of Lanark as follows: On 16th July, 1629,Patrick Dickson, servant to William, Earl of Angus, was put to the horn for failing to produce before their Lordships a testimonial from the presbytery of his relaxation from the sentence of excommunication for his obstinate profession of Popery. He pays no attention to the said horning, and being chamberlain to the said Earl, and having the greatest trust and credit of any about him, he corrupts the simple people in the country whenever he goes among them...
for uplifting of his master's rents. Charge having been given to the said Earl to produce his said servant, and Mr. Thomas Campbell, minister at Biggar, appearing for the Presbytery, and the said Earl also comparing, the Earl declared that the said Patrick Dickson has had some inter-
mission with his estate but had not yet settled his accounts, and promised that as soon as this had been done, which would be shortly after Whitsunday he would exhibit him. The Lords accordingly took the said Earl bound under the penalty of 5000 merks to exhibit the said Patrick Dickson before them within fifteen days after Whitsunday next so that Dickson may give bond for his removal from the country. And because the said Mr. Thomas Campbell further complained that the said Earl kept in his house a servant, called Janet Broun, who was under process for papistry, the said Earl promised to remove her from his service before Whitsunday next under the penalty contained in the general caution formerly found by him to that effect.

Complaint by Mr. Archibald Camron, minister at Inchecallioch, against George Buchanan, apparent of that Ilk, and Walter Buchanan of Dumnakill as follows:—They are due to him 2550 merks as part of his stipend for the years 1627, 1628 and 1629, and for non-payment were put to the horn. On 24th February last the said George Buchanan, in presence of their Lordships, bound himself that before this 17th of March he would find Sir John Buchanan of that Ilk, William Livingstoun of Kileyth and Walter McAwlay of Ardincaple, cautioners for payment of this sum, interest thereof and expenses, under the penalty of £100 in addition, and this he had not done. Parties comparing, the said George Buchanan declared that he had on 12th March made a real offer to the pursuer of the principal sum of 2550 merks, and 255 merks as a year's interest thereof from Whitsunday last to Whitsunday next, and with regard to the penalty and expenses, he offered to subscribe a submission to Alexander, Earl of Linlithgow, and Adam, Bishop of Dumblane; but the pursuer refused to accept payment without the penalty, and would not agree to the proposed submission, as an instrument under the hand of David Watsoun, notary, produced to their Lordships, bears. The Lords after hearing parties ordain the said George Buchanan to have the said principal sum and a year's interest thereof in readiness and to pay the same to the pursuer within the burgh of Dumbartane before Tuesday week at night under a penalty of £300; and as touching the penalty and expenses they ordain the same to be submitted to the arbitration of the said Earl of Linlithgow and Bishop of Dumblane, taking the parties bound to abide by their decision.

Complaint by James Aitken, bailie-depute of that part of the regality of St. Andrews called Torrie and Torrieburne, and John, Lord Lindsay, bailie principal for his interest, as follows:—"Androw Callendar in Torrieburne upon the day of Februarie instant come about ten houres at night to the dwelling hous of Patrik Buchanan in
Torriburne, tooke the honest man’s wife be the haire of the heid, tooke her barnes and tramped thame under his feit, shamefullie and cruellie, drew the honest man be the beard and hurt and woundit thame in diverse parts of thair bodis. For the qhilk insolence the partie having conveene him before the said baillie depute upon the fourt day of Februarie last and having summoned certane witnesses for proving his complaint the said Androw went to the witnesses, threatened to cutt the lugges out of thair heid if they compeired; and the court being fenced and the said baillie sitting in judgement to have done justice in this mater, how soone this cryme was objected to, the said Androw he denied the same, calling the partie ane lear. Qhahirupon the said baillie sent for the witnesses to depone heerin, for qhilkis onelie caus the said Androw in opin face of court fell out in ane contumelious rayling aganis the baillie, saying he cared not for him nor no bailie in Torriburne, nor for the Lord Lindsey himselfe; that he wes als honest ane man as the baillie himselfe, and that they wer all but oppressors; so as the bailie wes forced to raise the court.” The said James Aitkine comparring for himself and in name of the Lord Lindsey, and the defender not comparring, the Lords, after hearing witnesses, find that the said Andrew Callender threatened the witnesses so that they dared not appear, “ and that he said to the baillie that he wes als honest ane man as the baillie himselfe, and that the baillie having said, There wes over manie James Grants in the countrie the said Androw answered that James Grant wes als honest a man as the baillie or the minister,” and for this “verie great insolence” they ordain him to ward himself in the tolbooth of Edinburgh within six days after being charged thereto and remain there on his own expenses until order be taken with him, under pane of hornig.

“The qhilk day a commissioun wes past to James Dunbar for taking and exhibitioin of Johnne Forsyithe.”

“Ordanis the commissioun grantit to the Viscount of Airdis for restraining the passage of suspect personis and stollin goodis to and frae Irland to be renewed and publicist; and a missive to the Viscount of Airdis to come and attend the charge committit to him and to see the same put in executioun.”

Sederunt.—Chancellor; St. Andrewes; Privy Seal; Mar; Murrey; Wintoun; Galloway; Lauderdaill; Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Areskie; Lord Melvill; Lord Traquair; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir Johnne Scot; Sir James Baillie.

“The Lords of Secreit Counsell ordains Margaret Wod to be keepe in the commoun woman hous, and the Lord Gordoun, Lord Hay and Laird
of Fendraucht to be warned to Thursdya to heare and see it foundin Acta January 1631 May 1632. and declared upon whois charges the said Margaret could be inteerteaned for byganes and in tymecomming."

"Forsameekle as the Lords of Secret Counsell having past ane warrand to M' David Wedderburne, schoolemaister at Aberdin, for printing and publishing ane grammar composed be him for the use of suche as shold be pleased to embrace the same, and the saids Lords having appointed certane of their nomber to have travelled and dealt with the said M' David anent some satisfactionoun to have beene givin be him to M' Alexander Home, schoolemaister at Dumbar, who formerlie to his great paines and charges had composed ane grammar, whilk wes allowed and ordained to have beene onelie teached within this kingdome, the said M' David Wedderburne in this meane tym, howe soone he receaved his warrand for printing and publishing his grammar, departed home, quhaiby the said M' Alexander wes frustrat and disappointed of his satisfactionoun. Thairfor the Lords of Secret Counsell ordains letters to be direct charging the said M' Alexander Home for his intersesse to compear personallie and the said M' David Wedderburne to compeir, bring and produce before the saids Lords upon the 14 of Junij nixt the warrand grantit to him for printing and publishing his grammar and to heare and see him decerned and ordained to give to the said M' Alexander Home suche satisfactionoun as the saids Lords sall thinke expedient, under the pane of rebellion, etc. with certificationoun, etc., and in the meane tyme to discharge him frorme printing or publishing of the said grammar as he will answer upon the contrarie at his perrell."

[Sederunt as recorded above.]

Complaint by Mr. Martin M'Ilvorie, minister at the kirks of Killeane and Kilenachane, as follows:—He has been lawfully provided to and for several years has actually served at the said kirks, but because of the hostility of Murdoch M'Claine of Lochbuoy to the established religion and ministry, his labours are likely to prove ineffectual. The said Murdoch is master and landlord of most of his parishioners, and not only withdraws himself and them from hearing of the Word but threatens the complainer if he comes to the said kirks to perform divine service there. On last, being Sunday, the said Murdoch and some accomplices, all armed with swords and other weapons, came to the said kirk of , where the complainer was about to have preached, and without respect either to the sacredness of the day or the complainer’s calling, laid violent hands upon him, “thrust him to the doores, locked the same, and vowed if he found him there againe he sould do a worse turne to him.” He afterwards went to the complainer’s lands of Cairnsack, broke up the doors of his houses, and finding there a brown horse belonging to the complainer, “he tooke the same and gifted it to ane clairshacher [trumpeter],
saying in derisioyn that he sould gar the clairshacher ryde als long on him as the minister had done." If this godless and lawless behaviour be not punished, none will dare exercise the calling of the ministry within the bounds of the Isles. The pursuer compearing by James Logie, his procurator, but the defender not compearing, the Lords ordain officers of arms to pass and denounce him as a rebel and escheat.

The Lords having heard and considered the great expense incurred by Mr. Archibald Camroun, minister at Inchecailloch, in pursuing George Buchanan, apparent of that Ilk, for arrears of stipend, and that he has attended here for several days past in reference to the settlement of the question of expenses, and being loath to detain him longer from his charge, modifies the expenses to be paid to him at 200 merks, which they ordain the said George Buchanan to pay to him on the 29th instant, being the day appointed for payment of the principal sum and interest due. If he fail herein then he shall pay 300 merks of expenses precisely at the term of Whitsunday next.

"Ane missive from his Majesty in favour of the Laird of Rosline for expending of a gift unto him makand and constituanid him judge and overseair of the trade of maissoneis hammermen. The Lords ordains Rosline to produce the patenst maid to him of the said office."

"Ane missive to his Majesty recommending James Aitchesoun to be satisfied be his Majesty for the soumes addebtit to him be the lait Earl of Orknay."

"The Lordis haueing hard and considderit the chargeis and expenses quhairunto Mr. Archibald Camroun hes bene drevin in persweing the Laird of Buquhanan for his bigane stipend modifyis his expenses to tua hundredeth meriks whilk thay ordane Buquhanane to pay with the principall soume at the tyme appointed, and faillysee thairof, three hundredeth meriks at Witsunday."

"The whilk day George, Vicount of Dupleine, Lord High Chancellor of this kingdome, produced and exhibitie before the Counsell ane warrant under his Majesteis hand ordaining that there sall be onelie one continual Session through the whole yeere, and that this present yeere and yeerelie in tyme comming the Sessioun sall sitt and continew whill the last of Apryll inclusive, and the vacance to begin the first of May and to continew till the fyftene of October nixt exclusive; the whilk fyftene day of October nixt the Sessioun sall begin this yeere 1631 and sitt and...

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his arrangement is settled.

continuing thereafter during the whole space abovespecifit but inturruptioun exceptand onelie Christmass day and twelvfe dayes thereafter. Qhureamant the burgh of Edinburgh being callit and their reasons being craveid tuicheing the prejudice that they may susteine by change of the termes of the Sessioun, the provest, baillieis and counsell compairand, they humbelie desyred, in respect of the importance of the bussines so neerelie concerning thame in particular and the haillie lies in generall, that they might be permittit to give in their answers and exceptions to the sais Lords the morne in the afternoone; quhilk the Lords allowes and assignes thame that tyme to the effect foresaid."

Holyrood House, 24th March 1631.

Sederunt—Chancellor; St Andrewes; Privy Seal; Mar; Murrey; Wintoun; Galloway; Lauderdaill; Viscount of Air; Bishop of Dunkeld; Bishop of Dumblane; Lord Gordoun; Lord Areskine; Lord Carnegie; Lord Jedburgh; Lord Tracquair; Master of Elphinston; Secretary; Clerk of Register; Advocate; Justice Clerk; Sir John Scot.

The magistrates of Edinburgh and the change of the termes of the Court of Session.

"The whilk day the towne of Edinburgh, being callit and required to give in their reasons againis the termes of the change of the Sessioun, they desyred in respect of the importance and weight of the bussines that they might have tyme to consider thairof and to confer with the Lords of Sessioun for giving satisfaction to thame in the mater foresaid. The Lords finds by interloquutor that the towne of Edinburgh ought to give in their reasons presentlie, and yitt notwithstanding upon desire of the Lords of Sessioun and for satisfactioun of the feares and prejudices conceaved be the towne of Edinburgh and others upon the said change, the Lords continewis this mater till a forder adviseement."

"The Lords for eschewing of trouble ordains Captane Rollock, who was personallie present, to goe presentlie home to his lodgung in Fendrachts hous and to remaime thairin and not to come furth till he be releavd be the Counsell."

"The whilk day James Gibeone, advocat, compairand personallie before the Lords of Privie Counsell, actit himselle as cautioner for Robert Farquhar that he being fred of his weird, he sall compeir before the Counsell upon Tuesday nixt."

"The whilk day the Lords of Secret Counsell in consideratioun of Hugh Sampsoun, Englishman, his lamed and distresst estait, and for defraying the charges of his voyage in his returne home, ordains his Majesteis Thesaurur, Deputie Thesaurur, and Receavers of his Majesteis Rents to make payment and delieverance to the said Hugh Sampsone of the soume of twenty foure pundis Scottish money for the purpose aforesaid, quhereanent the extract of this act with the said Hugh Sampsoun his acquaintance upon the ressett thairof sail be unto the said Thesaurur, Deputie Thesaurur, and Receavers of his Majesteis Rents are sufficient warrand."
“Anent the supplication presented to the Lords of Secret Counsell by Dame
Marion Boyd, Countesse of Abercorn, that she may be permitted to
go to Paisley to attend to her affairs, and to remain there till last
of August.
—Granted.

Supplication

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—Granted.

Decretal
March 1631.
April 1632.
Fol. 177, a.

Supplication by Sir Hew Wallace of Cragie, knight baronet, as follows:—

[Sederunt as recorded above.]
Their Lordships granted to him their protection for attending upon the Lords of Exchequer to receive payment of £20,000 for his surrender of the office of bailiary of Kyle Stewart and regality of Newtoun. This sum he was and is still willing to assign for satisfaction of his creditors, and to this end their Lordships also granted protection to his cautioners underwritten. The business has not yet been dealt with by the Lords of Exchequer, and so he craves a prolongation of their Lordships' protection to him and them. This the Lords grant till 6th June next, viz.—to the said supplicant; to William Wallace of Ellerslie, William Wallace of Preistikshaw, Robert Wallace of Barnweill, Robert Wallace of Briggs and John Tait of Adamshill, cautioners for him to David Cuninghame, servitor to his Majesty, for 4500 merks; to the said William Wallace of Ellerslie, Mr. John Hamilton, minister at Cragie, Andrew Crawford of Drings, Mr. John Chalmers of Poquharne, and Paul Glover of Trittieland, cautioners for him to Nicol Edward, merchant burges of Edinburgh, for 2000 merks and to William Cuningham of Drongans for 500 merks; and to the said William Wallace of Ellerslie, Robert Wallace of Barnweill, John Wallace of Sheillis, James Wallace of Dulleres, and Andrew Crawford of Drings, cautioners for him to William Gray and Robert Smith, merchants in Edinburgh, for 500 merks.

"Another protectioun grantit to the Laird of Wedderburne for dealing with his creditors untill the last day of May nixt."

"The quhilk day a warrand and commissioun was past in Counsell to the Lord Gordoun and suche as he sall imploy and for whome be salt be ansuerable for taking and exhibitioon before the Counsell of one Robert Frasair, alias callit Domingo, to be examined anent the burning of the house of Frendraught."

After our verie heartlie commendatiouns. We are informed that in a processe of valutiuon intentit and depending before you at the instance of M' Robert Hart, advocat, for proving of the constant worth in stock and teind of the lands of St. Johneschappell you have or intends to include thairin ane malt barn with the houssis standing upon the saids lands, and su for to compt the rent of the hail in cumulo and without respect to the rent that the malt kill and barne payes be the selfe; and whereas you know that kills and barns ar not lyable to the payment of anie teind we ar thairfoir to request and desire yow to try and informe your selfis if this kill and barn hes payed ane several dewtie be the selfe in tyme bygane and if the lands hes payed ane several dewtie without respect to the kill and barn, and if yow sall find it so to have beene we thinke there should be no valutiuon made of the rent of the said barn and kill, and that it sould not be includit with the land; bot if the dewtie hes beene payed joyntlie for the lands, barn and kill yow ar than to informe your selfis what the barn and kill may pay apart fra the lands, and conforme thairto yow sall goe on in your valutiuon,
deducing aff the rent of the lands and of the kill and barn the rent payed for the kill and barn be the selfe; seing in reason and justice there can be no forder craved in a mater of this kynde. And quhheraes this roume of St. Johneschappell is ane mixt roume, commodious als weill for girse and pastourage as for corne land yow sell thairfoir value the vicarage teind be the selfe and report the same unto us. Qhilkys recommending to your care and diligence, becaus the valuatious cannot weill now suffer anie delay, we committ yow to God. Frome Halyrudhouse the 25 day of Marche, 1631. Subscription, Geo: Cancell., Haddintoun, Wintoun, Gordoun, Air, Dunkeldan.

May it please your lordships. We have had some meetings with the Whitehall, 25th March 1631.

English Commissioners, and having demanded all frythes, loches, bayes and Yse with some distance frome the land to be reserved for the natives, it is thought too muche except we condescend upon particulars, of the Fishing Whairy we may show thame that we intend onellie to reserve so muche without whiche the natives cannot subsist, and not to hinder this good publie work. And thairfoir we of oursellie not knowing the names of everie one of these places doe intreate that your lordships would be pleased to informe your sellies particularlie of thame and to acquaint us of the same and of your opinion thairin with diligence; and be assured that as we will be willing to doe all things reasonable that may tend to the advancement of that great and good worke, so we will omit nothing that doeth concerne the good of our native kingdome quhairwith we ar intrusted, as we ar in dutie bound; and, etc. Quhythall, 25 Marche 1631. Subscription, Mortoun, Monteth, Roxburgh, Lorne, W. Alexander, Mr John Hay, G. Fletcher.

Chancellor; Privy Seal; Murray; Wintoun; Galloway; Lord Holyrood House, 29th March 1631.

Arskene; Lord Carnegie; Lord Traquair; Secretary; Clerk of the Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

"The Lords allowis Gib and Gammie to go home."
"The quhilk day a warrand wes past to Mr Robert Udnye to confer with James Grant."

Sederunt—Chancellor; St Andrewes; Privy Seal; Mar; Murrey; Holyrood House, 29th March 1631.

Wintoun; Linlithgow; Perth; Galloway; Bishop of Dunkeld; Viscount Air; Lord Gordoun; Areskine; Melvill; Carnegie; Jedburgh; Traquair; Bishop of Dunblane; Master of Elphinston; Secretary; Clerk Register; Advocate; Justice Clerk.

"Forsameekle as Forres, postmaster of Haddintoun, having Order to the latelie receaved one pacquet from Court conteaining one number of
speciall and important directiouns concerning his Majestie's affaires and service quhilks goodlie could suffer no delay, and he being bound upon the dewtie of his office ever to have freshe hors in readinesse for his Majestie's pacquet and to have dispatched the pacquet with all convenient diligence, notwithstanding thairof he directed the pacquet foresaid with ane footboy, who tint the same be the way, and the pacquet wes found lying upon the hie way, and the said Forres wes so careless and negligent thairof that he never asked for it, nor knew not whether it wes delyvered, to the great slighting of his Majestie's service; for the quhil he aucht to be exemplarillie punished to the terour of others postmaisters to doe the lyke. Thairfoir ordains letters to be direct charging the said Forres to compeir personallie before the saids Lords upoun the last day of Marche instant to answer upoun the great neglect foresaid and to underly suche punishment for the same as his offence justlie demerits, under the pane of rebellion, etc., with certificacion, etc."

"Anent the supplication presented to the Lords of Privie Counsell be Sir James Balfoure of Kynnaird, knight, Lyoun King of Armes, makand mention that where the Kings Majestie being trewlie informed that by the liberteis and priviledges of his office he (as all his predecessours before him have peaceable enioyed from his Majestie royll progenitours ane exempition from all taxatiouns), and his Majestie being gratiouslie disposed out of his royll consideration towards the preservatioun of the priviledges of the said office to grant unto the said supplicant the lyke immunitie and freedom frome payment of taxatiouns, his Majestie for this effect by his letter direct to the saids Lords recommendit unto thame the taking of notice and tryell of the supplicants said priviledge and immunitie, and accordinglie to exped unto him ane immunitie frome taxatiouns, as his Majestie letter beiris. Conforme to the whilk it pleased the saids Lords to appoint the Lord Melvill and Clerk of Register to try and informe themselfes by the records of his Majestie Exchecker what had past in this kynde in favours of anie of the supplicants predecessours, who hes reported unto the saids Lords twa extracts of the Exchecker thairby his predecessours wer fred frome payment of taxatiouns, as the extracts shewn to the saids Lords beiris. Humbelie desyrying thairfoir the saids Lords that he may have ane act of Counsell past and exped in his favours in maner and to the effect underwrittin, lykeas at mair lenth is conteanit in the said supplication. Quhil being read, heard and considderit be the saids Lords, and they having lykewayes scene and considderit the twa extracts foresaid under the hand of Sir John Hamilton, Clerk of Register, the one of the dait at Edinburgh, the first of Aprile, 1618 yeeres, and the other of the dait at Edinburgh, the 14 of September, 1620 yeeres, both proporting that umquhill Sir David Lindsey of the Month, knight, Lyoun King of Armes, who, by
the immunitieis grantit and following his office is exeemed frome the payment of taxatious, recovered decretes against umquhill Sir Gedeoun Murrey of Elibanke, knight, Collectour of the taxatious grantit to our lait soverane lord in the moneth of October, 1612, and in the moneth of Marche, 1617 yeeres, suspending the letters execute agans him at the instance of the said collectour for payment of his part of the saids twa taxatious, as the saids twa extracts of his Majestieis Exchequer beiris. And the saids Lords, having lykewayes read, heard and considerit his Majestieis missive letter writtin unto thame signifieing his royll pleasure and direcciont that the saids Lords after notice and trystell tane of the grant and precedents of former ages sould expied unto the said Sir James ane immunitie and exemptioun fra the payment of anie taxts, stent or impositioun grantit unto his Majestie in this kingdome, and the saids Lords being thairwith and with the extracts foresaids well advised, the Lords of Secret Counsell finds and declaires that the said Sir James be the priviledge of his office is and hes beeene exeemed, fred and releved from payment of anie taxatious or impositiouns whatsomever, and thairfor they have exeemed, fred and releved, and be the tennour heirof exeemes, frees and releves the said Sir James frone payment of all taxatious and impositiouns whatsomever, during the tyme of his office.”

[Sederunt as recorded above.]

Supplication by David Ros of Ballangowne as follows:—"He is now in his young and tender age most heavillie distrest by his fathers creditours, who have not only comprised his father’s lands and used other execution for recovery of their debts, but are seeking opportunity to imprison himself. If they so do, his education will be interrupted, and he will have no access to his friends for advice as to his broken and ruined estate. He therefore craves their Lordships’ protection. The Lords, "finding it ane verie hard mater to waird minors who are ignorant and innocent of the causes of thair wairding and can doe nothing for thair releele, and who by thair wairding will be depryved of the ordinarie helpes of thair educatiun and breeding at schoolees,” grant him their protection until he attain the age of seventeen years.

Supplication by Agnes Maxwell, Lady Stanehouse, and Cuthbert Hamiltoun of Cander, her husband, for her interest, as follows:—Their Lordships granted them their protection for dealing with the debts they contracted for relief of James Hamiltoun of Stanehouse, son of the said Agnes, and for this end they have disponed certain of their lands to Archibald, Lord Dowglas, from whom they are to receive the price at Whitsunday next. As, therefore, they cannot satisfy their creditours till then, they crave that their protection may be extended. The Lords grant them protection till 6th June next.
The lyke protection grantit to Dunypace, his sone, and David Barclay of Maders, until the sext of Junij nixt for selling their lands for satisfaction of their creditors.

"Johne Stewart of Coldinghame his protection for dealing with Robert Dowglas of Blaikester, and Alexander Cranstown of Morestown anent their intromissions with his living continued to the 20 of Apryle nixt."

"Josias Stewart and James Kennedie of Blairquhan their protection for satisfaction of their creditors continued to the sext of Junij nixt."

"Mr Mathow Crawford his protection for selling his lands and satisfying his creditors continued to the fytene day of Junij nixt."

Supplication by Andrew Andersoun, hatmaker, burgess of Edinburgh, as follows:—"His creditors, no wayes considering the great losses and burdenis of cautionerie and heavie sickenesse quhilk he hes susteanned and yitt does susteane," seek by all means to undo him, refusing to take assignations to the debts owing to him for their payment so far, and are resolved to imprison him. This will only hinder their satisfaction, and he, being an "old, sickelie and diseased man," with nothing to live upon, will die in prison. He therefore craves their Lordships' protection so that he may go about and gather in what is due to him and therewith pay his creditors. The Lords grant him their protection till 6th June next.

For the better enabling of John Traill of Blebo to take some course for satisfying his creditors, the Lords continue the protection formerly granted to him till 6th June next.

Supplication by Andrew Bruce of Mownes, as follows:—By the Fol. 179, b. " unhappie burning of his house of Mownes and spoylling of him and his tenants of all that perteanned unto thame be the Dunkirkers" in August, 1627, he was reduced to great want and forced to borrow money to supply his necessities. He sincerely intended to repay the same as soon as he could get his land plenished, but his rigorous creditors, impatient of any delay, threaten him with captions and other legal procedure. He therefore craves their Lordships' protection till Lammas next that he may take order with his creditors. The Lords grant him till 6th August next.

Supplication by Janet Broun, servant to William, Earl of Angus, as follows:—She is informed that their Lordships upon some sinister information has ordained the said Earl to dismiss her from his service. Now, she is an ordinary hearer of the Word, and has no attendance upon the said Earl's daughters, which was the special reason for their Lordships' order; and the Archbishop of Glasgow, knowing that her frequenting of the kirk and hearing of sermons was a special means to inform her and resolve her concerning any scruple she had in her religion, wrote a letter directing the Presbytery of Lanark not to interfere with her during her frequenting of the kirk. She is a young gentlewoman whose parents are dead, and having nothing but her service to maintain
her, if she is turned out of the said Earl’s service, there is no one else in
the kingdom who will receive her, and she will thus be driven to extreme
misery. She therefore craves that the Earl of Angus may be permitted
to retain her in his service. The Lords, in regard that the supplicant is
neither excommunicated nor under process for religion, accede to the
desire of the petition, provided she gives no offence nor scandal to the
Kirk and is not excommunicated; and they declare the said Earl to be
free of the act of caution made by him concerning her.

Supplication by Andrew Fraser of Stanywode, as follows:—He is
building a house in Muckalls and cannot obtain in this country suitable
timber for the roof of his house, and must therefore send to Norway for
it. He is informed that there is a strict prohibition in that country
against exporting timber unless victual is brought in by the exporter in
payment of the price, and therefore he craves a licence to his factors and
servants for exporting thither ten chalders of meal for the foresaid
purpose. The Lords grant the permission desired, provided that the
meal is all shipped in one ship and before 30th April next.

Supplication by Sir John Home of Blacadder, Sheriff of Berwick, as
follows:—He is engaged for the Laird of Wedderburne and Sir James
Home of Eckillis in certain great sums of money, and by the security he
has of their lands, must do his best to work out his relief. This he
cannot rightly do without injury both to himself and them unless he
have their Lordships’ warrant to meet with them and arrange for certain
transactions at this approaching Whitsunday term. The Lords grant
him liberty for the above purpose till fifteen days after Whitsunday next.

Supplication by Robert Buchannan of Leny, as follows:—He has been
charged lately to find caution acted in the books of Privy Council in 5000
merks for keeping the peace with the Earl of Perth and David Drum-
mond of Drummanerinoch, and the officer intends to denounce him rebel
if he find it not. Now, in “that unhappie conflict” which moved their
Lordships to take this step he had no concern whatever. “George
Buchannan, his brother, one young boy of 16 yeeres of age, being
travelling throw the Kings hieway from Lany to the place of Forgie in
a peaceable maner, accompanied onelie with unquhill Duncane Buchannan
and tua young boyes, they were sett upon by Drummannerinoch and his
complices, all armed with unlawfull weapouns and cruellie persewed of
their lyfes, and the said unquhill Duncane killed and his brother tane
prisoner.” Moreover, the amount of caution is far above his rank, he
being but “ane meane gentleman,” unable to relieve his cautioner, and
can get no one to undertake for him. He craves that their Lordships
will modify his caution. This the Lordes do, to 3000 merks.

Supplication by John Campbell of Caddell, as follows:—The late
King James, by charter under the great seal, dated 1614, Campbell of
Caddell that he may be disposed to Sir John Campbell of Cadell, knight, the supplicant’s father;
in feu, the isle of Ila, to be held of his Majesty in free barony as the
Barony of Ila, with the house of Dynniveg as the chief messuage.
Thereafter the deceased Sir James McConnell, assisted by Coill McGil
lespick and a number of the rebels of the Clandonanlaid, violently surprised
and took the said house of Dynniveg, and having furnished it with
men and provisions, held it as a house of war. His late Majesty having
sent his forces for its reduction, with cannon and other warlike pro-
vision from Ireland, recovered the said house, and many of the principal
rebels and traitors were apprehended and suffered the due course of
justice. Understanding also that the said house had in former times been
a centre of sedition, his late Majesty thought it meet that it should be
utterly demolished so as no longer to afford shelter to traitors. This
work was recommended to the supplicant’s said father, but he, being but
newly entered in the isle, and it not being peopled with those of his own
friendship, and moreover, having no safe place of residence therein but
the said house, was withheld from accomplishing that purpose. Now his
said father has disposed this isle to him, and it has been peopled with
a number of his own friends, with whose assistance he thinks he will
be able to withstand any new assault intended against him while he
remains within the isle. His affairs require his frequent resort to the
Lowlands, but he is in continual fear of some new attempt to surprise
the said house, as only last summer, during his absence attending the
Session, a number of the disorderly thieves and liomers of the Yles gave
a fearful assault to the said house, and would have taken it and originated
another commotion and rebellion in these parts but for the care and
diligence of his servants in making a fierce and courageous defence.
As the house is his own he may indeed do therewith as he thinks fittest
for the peace and safety of the isle, yet being loath to do anything in
such a matter without his Majesty’s approbation he has obtained a letter
from his Majesty recommending to their Lordships to do therein whatsoever
should seem best. The supplicant intends building a more com-
omodious house for his own dwelling in a more proper part of the isle;
and for this and other causes foresaid he craves their Lordships’ warrant
for demolishing the said house. The Lords, considering the danger and
menace to the public peace by the standing of the said house, think
it meet and expedient that it be cast down, and give commission and
warrant to the said John Campbell of Caddell accordingly, “so that it
serve not hearafter for a beild, ressett or starting hole to the rebellis of
the Yles.”

Complaint by Sir Ludovick Howstoun of that Iilk, as follows:—On
28th April last, John Tennent of Carnes was put to the horn at his
instance for non-payment of four years’ rents of the lands of Wester
Carnes and £20 of legal expenses; and he pays no heed thereto. The
pursuer compearing by Mr. James Broun, servitor to Mr. Thomas
Young of Leny, Writer to the Signet, and the defender not compearing,
the Lords ordain letters of caption to be issued against him to the Sheriff of Edinburgh and his deputes, within whose bounds he dwells.

"Ane missive from his Majestie for prorogatioun of the Parliament and ordour gevyn to the commissionaris thairnait accordingly."

"Ane letter from the town of Hamburrough for stopping the executioun of the letters of reprisall grantit to Captane Robertsson aganis the inhabitantis of the said town, and the Captane ordanit to be writtin for to be heir upoun Thrusday nixt."

"The Lordis prorogatis the protectioun grantit to Sir Thomas Scott of Newburgh till this day aught dayes."

"The Lordis ordanis and allowis the Maisteris of his Majesteis workis to haif a sight of the signatour past his Majesteis hand in favouris of the Laird of Rosline to be advisit with till Thursday nixt."

"The Lordis gevis powar and commissioun to the Deputie Thesaurar, Clerk of Register and Advocate to compone and aggripe with suche personis as ar callit heir for brek of penal statutis."

"The Lordis ordanis Captane Dow to be warnit to heir and see him decrenit to insist within xv dayis aganis Johnne Trotter for his domegg and interesse."

**Royal Letters, 1631. 1632-33.**

**Fol. 199, b.**

Charles R., Right trustie and right wellbeloved cousing and counsellour, right trustie and wellbeloved cousins and counsellours, and right 1631. trustie and wellbeloved counsellours, we greet yow well. Whereas our right trustie and wellbeloved cousing and counsellour, the Erll of Annandale, hath informed us that certane ladner mart belonging unto him have bene unjustlie and violentlie taken from his servant wherby (as we ar likewise informed) both we in our right of superioritie of some landis in Annandale and he as our tennent thereof have bene wronged, and by the exemplo wherof we may be likewise prejudged in matteris of the like nature, our pleuris is that yow call before yow such persones as in name of the said Erll shalte dilated unto yow to have bad ane hand in that busines and efter due tryall, if yow shal find the said kyne aither disorderlie or unjustlie taken away, that upone due consideration and merit of the offence and of the ill consequence the exemplo therof may produc yow fynie and caus punish them accordingly, that otheris may be terrified from attempting the like heaerther. Quhich recommending to your care we bid yow heartillie fairwell. From our Court at Whitehall the 30 of March 1631.
Letter from his Majesty

appointing a new Privy Council, and defining its powers.

The whirl day George, Vicount of Dupline, Lord High Chancellor of this kingdom, produced and exhibit before the Lords of Privy Council ane new commission for the Counsell, quhilch being read in audience of the said Lords, the Counsellours particularlie abonewrittin accepted the said commission upon thame and gave their oaths for faithfull discharge of the same, of the whirl commission the tennour followes:—Our Soverane Lord ordains ane commission to be made under the great seale of the kingdom of Scotland, making mition, that where his Majestie out of his princelic and tender regarde to that his ancient kingdom, having a speciall care to the weale thairof, and that his royall auctoritie may still be preserved and advanced thairin, his subjects reteannd under good obedience, all insolences and misdemeanours prevented and supprest, and lykeways that justice may have ane upright course and progresse, and his subjects receive lawfull expeditioun in their affaires, thairfoir his Majestie hes elected and choisin the persouns particularlie underwrittin to be of his Majestie Counsell of the said kingdom, viz., John, Archbishop of St. Androes; George, Vicount of Dupline, Lord Chancellor; William, Erle of Morton, Lord Thesaurar; William, Erle of Monteith, Lord President of the Privie Counsell; Thomas, Erle of Hadintoun, Lord Privie Seale; James, Archbishop of Glasgow; James, Marques of Hamilton; William, Erle Mairshell; Johne, Erle of Mar; James, Erle of Murrey; George, Erle of Wintoun; Alexander, Erle of Lnilithgow; Johne, Erle of Perth; John, Erle of Wigtoun; Patrik, Erle of Tullibardin; Robert, Erle of Roxburgh; Thomas, Erle of Kellie; Walter, Erle of Bugleuche; Johne, Erle of Annerdaill; Alexander, Erle of Galloway; Coline, Erle of Seafort; Johne, Erle of Lauderdaill; James, Erle of Carll; David, Vicount of Stormout; William, Vicount of Air; the reverend fathers in God, Alexander, Bishop of Dunkeld; Patrik, Bishop of Aberdein; Patrik, Bishop of Rosse; Adame, Bishop of Dumblane; George, Lord Gordoun; Archibald, Lord Lorne; John, Lord Areskine; Robert, Lord Melvill; David, Lord Carnegie; Andro, Lord Jedburgh; Archibald, Lord Naper; Johne, Lord Tracquair; Alexander, Maister of Elphinstoune; Sir William Alexander and Sir Archibald Acheson, Secretars; Sir Johne Hamilton, Clerk Register; Sir Thomas Hope of Craighall, knight baronnet, Advocat; Sir George Elphinstoun, Justice Clerk; Sir Johne Scoot of Scottistarvet, Sir James Baillie of Lochend, and Sir James Galloway, Maister of Requets; unto the whiche persouns of his Counsell now established and unto suche as shall be nominat be his Majestie hereafter his Majestie hes committed and be the tennour heerof committs the full administratioun, governement and handling of all and sindre the affaires of his hienes estait in the said kingdom quhils heeretofore have been usuallie handled and intreating in the Counsell of the said kingdom, with als ample libertie, priviledge, etc.
thame to this effect to appoint tymes of their meetings als well for consulting and concluding upon matters concerning the estait and preserving of his Majestie's peace as for hearing the complaints of partieis and doing of justice; the place of meeting to be in his Majestie's house of Halyrudhous, except some urgent occasioun draw the same to some uther place or part of the kingdome for a space; and that none be present at their meetings but suche as ar of his Majestie's Privie Counsell with the clerk or clerkes of the said Counsell allanerlie, whom his Majestie continewes in their places as of before. His Majestie hes lykewyse givin and grantit and be the tennour heirof gives and grants his full power and commission to thame and everie one of these of his said Counsell upon anie interveeneing occasioun of disorder and trouble in suche parts of the countrie where they sall remayne for the tyme, to command and charge the persoun or persons committers of suche disorders, to observe and keepe his Majestie's peace, and to charge the contraveeners thairof to enter their persouns in ward in suche part or places, or within suche a short space as the said counsellor sall thinke meit there to remaine till order be takin by the whole bodie of the Counsell in the mater whairin they have offended, provyding always he be accountable to his Majestie and the rest of his hienes Counsell and that no just caus of complaint be heard aganis him; and if the persoun or persons so charged to ward sall happin to disobey and contemne the charge it is his Majestie's pleasure that upon report thairof to the Counsell ane pecuniall soume be imposed upon the offender according to the qualitie of his persoun and nature of his offence, and the Counsell is to caus apprehend the offenders and to committ thame to ward; with power lykewyse to his Majestie's said Counsell to make and sett doun acts and ordinances for gouvernment of his kingdome and suppressing of disorders within the same; with power lykewyse to the said Counsell to give and appoint assessours to the Justice Generall and his deputis in caise of necessitie, and to give warrand to the said Justice his deputis and assessours for continewing executioun after convictioun or for mitigating of the punishment of the law in criminall causes if the nature and qualitie of the cryme sall require; and to grant commissiouns of justiciarie in matters criminall and others commissiouns in maters concerning the weale of that kingdome; and als with power to thame to give warrand to the said Justice Generall his deputis and others commissioners foresaid for imponing of fynes or pecuniell soumes upon the crymes of adulterie; bearing and wearing of hacquebutts and pistolets, usurie and suche other transgressiouns of the Acts of Parliament where the punishment be law is inflicted on bodie or goods or left to the arbitrement of the judge; and lykewyse with power to thame to grant exempioins from oasts, raids of assisses, and grant licences of departing and passsing out of the said kingdome according to the conditions conteanit in the Act of Parliament; and als with power to the said Counsell increase anie opin and
avowed rebellious shall happen to be raised within the said kingdom, which cannot be redressed but by force, to give commission of lieuten- and justice for suppressing of the said rebellion, and to direct charges to such parts of the country as they shall think fit for the concurrence to be given in the execution of the said commission; and to give order and direction to furnish and advance the sums of money that shall be requisite in such expedition; with power to give ways to the said Council to raise the Session upon intervening occasion or necessity and to appoint times and places of their down sitting; and generally with power to the said Council to do, use and execute all and every thing which the Council of the said kingdom did or might have done in the time of his Majesty's last father: Providing always, lykes as his Majesty expresslie provides, that this commission shall be no ways prejudicial to the commission of the Exchequer. And it is declared that anie sevin of the said Council shall be ane sufficient number and make ane session, providing the Chancellor or President be one of the sevin, and that in their absence the eldest counsellor shall preside. And his Majesty, considering that the often absence of the most part of the Council and their not attendance upon the charge and trust that his Majesty has credited unto them will be ane great impediment and hinderance to his Majesty's service, therefore his Majesty declares that it is his special pleasure and command that the Chancellor or President of the Council doe see and provide that the Council be frequent, speciallie in great and weightie matters of state; and if upon anie occasion which requires the number of the Council to be more full than the said quorum, the Chancellor or President shall write to such others of the Council as they shall think fit to be present and give their attendance; in which case if anie disobey without a licence obtained from his Majesty or the quorum of the Council or without some reasonable cause, either of which shall excuse their absence, then and in that case his Majesty wills that the absent shall be censured by the said Council as ane neglecter of his Majesty's service, and that his Majesty be advertised therefor. Firme and stable halting and promoting for to hold all and whatsoever things shall be the said Council lawfullie done concerning the premises; and charging heirby all his Majestie's subjects to reverence, acknowledge and obey the said Council in all and every thing concerning the charge and trust concruded unto them under the pane of treason: Ordaining, and his Majesty ordains, the said commission to be exped under the great seal without passing anie other seal or register; and these presents to be ane sufficient warrant to the writer to the said seal and keeper therefor for writing and appending the same thairto. Givin at Whitehall the twenty sevin day of Marche 1631.”

Licence to the inhabitants of Tervoldale and the Merse to

“Forsameekle as the Lords of Secret Counsell having by ane former Act upon verie great and important consideratiouns, especiallie in regard of the great appearance of dearth and skarsetie of victuals within this
kingdome, made ane restraint of exportation of victuall be sea or be land furth of the same under certane paines mention'd and conteynit in the said act, nevertheless the saids Lords being latelie petitioned be the mayor and aldermen of the town of Newcastell upon Tyne for a libertie and licence of exportation from hence of some certane quantitie of victuall for the supplee of their town, now in the tym of skarsetie of cornes within the same, and the saids Lords being willing to supplee the necessitieis of the said town so farre as convenientlie may be without the hurt and prejudice of this kingdome, thairfoir the saids Lords gives and grants libertie and licence be thir presents to the inhabitants within the bounds of Merce and Tiviotdaill to carie and transport be land to Newcastell suche a proportion of wheit, ry and beir as convenientlie they may spare, provyding the same exceed not foure thousand bollis, and to sell the same to the inhabitants of the said town for thair supplee now in this necessitous tymie, the parteis transportere paying alwayes halfe ane merk in the boll to be payed to suche persouns as by warrant frome the Thesaurar and Deputie Thesaurar sall be appointed to attend upon the Borders for uplifting of the same and restraining the further exportation of anie more victuall nor the quantitie abonewritten without pane or danger to be incurrred be thame thairthrow in thair persons or goods, notwithstanding the said act and proclamation, quhereasen the saids Lords dispenses be thir presents; discharging heirby all his Majesteis customers, searchers and all others whome thir presents doe concerne of making anie stoppe, trouble or impediment to the inhabitants of Merce and Tiviotdaill in transporting of their said victuall to Newcastell be land, discharging thame thairof and of thair offices in that part. And ordains letters to be direct to make publication heirof be opin proclamation at all places neidfull, quhairthrow nane pretend ignorance of the same."

"Forsameekle as the Lords of Secrete Counsell ar certanie informed that there is ane verie great skarsetie and dearth of victuall in England, France, Spaine and other parts beyond sea; and the saids Lords understand that there is sufficient plentie of wheit within this countrie, whiche not being the commoun grayne whairwith the whole lieges ar ordinarilie served may in that regard be the better spared and ane small quantitie thairof transported abroad that by exchange of the same a profitable retourne may be made ather in moneyes or other usefull commoditieis, thairof the countrie stands in neid; thairfoir the Lords of Secrete Counsell thinkes it fitt and expedient and thairwithall recommends to the Lords Commissioners of his Majesteis Exchequer, to grant libertie and licence to the merchants and others cravers of the same for transporting of foure thousand bollis of wheit furth of this kingdome to England or anie part elliswhere, as they sell best find the opportunitie of a good mercat, and that there be three thousand bollis thairof caryed furth of the river of Forth and shipped at the ports of Leith, the Pannes,
Dunbar or Abirledie, and the other thowsand bollis to be caried furth of the river of Tay and to be shipped at Dundie or the Pow of Erroll, and that the whole quantitie of foure thowsand bollis of wheit be shipped and transported in maner foresaid betuix and the first day of August nixtocome upon payment alaways of fyve shillings Scottish for ilke boll beside the buyleoun dew thairfoir and compositioun to be givin for the licence according to the quantitie thairin conteuanit. And whereas the saids Lords ar informed that there is ane great quantitie of wheit alreadie shipped and readie to be transported contrare to the prohibitioun and restraint made thairof and proclamatioun following thairupon, thairfoir the saids Lords finds, declares and ordains that the wheit so shipped sall be lyable to the payment of the double of the said custome, and that no licence sall be granted to the merchants or others owners thairof for transporting of the same bot upon payment of the double of the custome as said is: And further discharges the merchants and others owners of the said wheit so shipped be thame and the maisters and owners of the saids shippes quhairin the same is to be transported of all lousing or transporting of the same until the fyftene day of Aprilie nixt under all highest pane that after may follow. Lykeas the saids Lords declares that they will recall and discharge the saids licences and the exportatioun of wheit be vertew thairof according as they sall find the estait of the countrie after tryall to require. And ordains letters of publicatioun to be direct heerupoun quhairthrow nane pretend ignorance of the same."

"Forsameekle as there is certane persouns charged and to be charged frome several parts of this kingdome to compeir before his Majesties Justice and his deputys in the tolbuith of Edinburgh to underly the law for the crymes of adulterie, usurie, bearing and wearing of haquebutts and pistolets, malmaking and selling the same contrarie the Acts of Parliament and for the breake of some penall statuts, and whereas they ar willing to compone and agree for thair saids offences or to purge thameselfis be oath where other lawfull probatioun is not deduced; and the Lords of Secrete Counsell being loath that they sould be unnecessarie haldin heir anie long tyme to attend that bussines but that they be dispatched with convenient diligence, thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power, commissioni and warrant be thir presente to Johne, Lord Stewart of Traquair, Deputie Thesaunrar; Sir John Hamilton of Magdalens, Clerk of Register; and Sir Thomas Hope of Craighall, knight baronet, his Majesteis Advocat, to conveene and meet in his Majesteis Exchecker hous and in suche other place and at suche tymes as they sall thinke good and to call the saids persouns before thame and to leade, use and deduce all lawfull probatioun by thair oath or otherways, and accordinglie to sett down their fynes and compositions and to compone and agree with thame thereanent; and in case they prove free and innocent to
assoilzie thame fra the persuade intendit agains thame, and all other things for cleering and discoverie of the truthe of the crymes objected agains the saide persons to doe and use quhilk in suche caises ar lawfull and usuall. Firme and stable halding and for to hald all and whatesover things the saide commissioners sall doe heerin als weill by compining and fyning of the persons guiltie as by absolving of the innocent.”

“The Lords of Secret Counsell ordains and commands Captane Captain Rollock to keepe his hous and not to come furth thairof except to see his uncle allanerie till Mononday nixt.”

“The whilk day the twa missive letters underwrittin signed be the Two letters from his Majestye desiring the Council to grant a commission to the Marquis of Hamilton for the levying of 8000 men for service in Germany.

Kings Majestie and directed to the Lords of Privie Counsell wer presented to the saide Lords and read in their audience, of the whilks the tennour followes:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we gret yow weill. Whereas our right trustie and right weilbelovit cousine and counsellour, the Marqueis of Hamilton, is to levey sax thouands men in that our kingdome and to transport thame into Germanie for assisting of our brother, the King of Sueden, in his warres undertakin for releafe of our distressed freinds there, whiche generous interprise of our loving cousine we have not onelie approved bot have lykeways caused provide him with competencie of monies for performance of the same; and seing this interprise so muchie concerneth the libertie of our freinds and the common good of Christendome, our will and pleasure is that upon sight thairof yow caus expedie unto him ane commission under our great seale for leveying and transporting the said sax thousand men according to the best and most speedie maner that hes beene at anie tyme heeretofore accustomed, or as can lawfullie and possible be granted, and that he and all persons imploied under him have your best furtherance and assistance als weill in the leveying as for the transportatioun of his men; quhairin we will not doubt bot your endeavours will be answerable to our expectation. We bid yow farewell. Frome our honnour at Hampton Court, the 24 of September, 1630. CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we gret yow weill. Having givin commission unto our right trustie and right weilbelovit cousine and counsellour, the Marqueis of Hamiltoun, for the levey of sax thousand men within that our kingdome, and seing that the speedie doing thairof doeth both highlie concern us and our freinds abroad and that the season doeth now approche for their transportatioun, our pleasure is that yow unanimously concurre by all possible and lawfull means to use your best endeavours to that purpose; quhairin as yow sall doe unto us most acceptable service, so we will not be unmyndful of your affectioun and panes takin thairin. So we bid yow heartilie farewell. Frome our
Court at Whitehall, the 21 of Marche, 1631. Quhilks letters being heard and considerit be the saids Lords, they according to his Majestie directioun mentiouned in the saids letters ordained the commissioun underwritten to be past and exped under his Majestie great seale to the said Marqueis, of the quhilk commissioun the tenor followes:—Our soveraine Lord ordains ane commissioun to be made under the great seale in dew forme to his trust cousine and counsellour James, Marqueis of Hamiltoun, Erle of Arran and Cambridge, Lord Avendaill, Arbroth, Kinneill and Innerdaill, Knight of the most noble order of the Garter, Stewart of Hampton Court and Portchomewth and Maister of the Horses, givand, grantand and committand unto him full power and commissioun, expresse bidding and charge to levey and take up sax thousand men in whatsewer part within this kynsdome where he may have thame and to conduct, leade and transport thame to Germanie for releef of his Majestie distrest freinds there; with power to the said Marqueis for the better conduct and governement of the said sax thousand men to distribute and divide them in competent numbers and companis under their several officiars and commandars and to nominat and appoint officiars and commandars over thame; and to caus towke drummes, dispyle cullours and to doe and performe all and everie other thing that towards the uplifting, transport and conduct of the said number of men is requisite and necessar, with als ample power, libertie, auctoritie and jurisdiction as anie others generalls, colonells, officiars and commandars formerlie hes had within this kynsdome. Ferme and stable halding and for to hald all and whatsewer things the said Marqueis sall lawfullie doe heerin. Commanding heirby all judges, officiars and magistrats to burgh and land that they and everie ane of thame within thair several bounds and jurisdictionouns assist the said Marqueis, his officiars and commandars in all and everie thing tending to the execution of this commissioun and to doe nor attempt nothing to frustrat nor hinder the same. And if anie persoun or persons who sall receave pay and inroll thameselfs under the charge of the said Marqueis, his officiars and commandars and thereafter sall abandoun and leave thair service that then the saids judges, officiars and magistrats, upon complaint to be made and verified to thame, doe justice thairin accordinglie. And that thir presents be ane sufficient warrand to the Director of the Chancellarie and Keeper of the Great Seale for expeding the same throw the Chancellarie and appending the great seale thairto without anie forder precepts to be direct thairupon. Givin at Halyrudhous the last day of Marche 1631."

[Sederunt as recorded above.]
follows:—The provost and bailies of Forfar, alleging that in September 1625 they obtained a decreet of their Lordships ordaining that the sheriff courts of Forfar should be held in the burgh of Forfar, have charged the complainers to hold their courts in the tolbooth of Forfar under pain of horning. Now to the obtaining of that pretended decreet neither the sheriff of Forfar for the time nor the noblemen and barons of the shire, whom the removal of the sheriff courts from Dundee to Forfar chiefly concerns, were cited, and thereby such a decreet is void in itself, the party not having been first heard. If they had been cited they would have appeared and proponed, as they now do, that the said sheriff courts having been held past memory of man in Dundie, as the most proper and convenient place for the administration of justice to the inhabitants of the said shire, cannot be transferred to Forfar without the express authority of Parliament. Moreover, though it may appear that by Act of Parliament the sheriff is bound to keep the three head courts at the head burgh of the shire, yet this does not prevent him in the right of his office from holding his other courts wherever the necessity of his Majesty’s service and the convenience of the lieges may require. To oblige the lieges to pursue in Forfar and nowhere else, often for such small sums as merchant accounts and such like, would entail great hardship on the poor, and more than annul any benefit they could receive from justice. Further, it would often be very inconvenient for the complainers to repair to Forfar, their presence being so frequently required elsewhere in the duties of their office. They have only before their eyes the good of his Majesty’s service and the welfare of the lieges; and as they have found caution, each in 500 merks, that if after discussing of the question the Lords find that they ought to do the same, they will obey: they crave suspension of the horning. Charge having been given to Andrew Hunter, provost, and William Hunter and James Bannerman, bailies of Forfar, and they compearing by Mr. David Persoun, town clerk of Forfar, Mr. James Baird, their procurator, and John Mill, one of the council of Forfar, and the said Thomas Fothringhame of Powrie also compearing with Mr. John Russell, his procurator, and insisting mainly upon their first reason, viz.—the nullity of the said decreet for the reason foresaid, and the said decreet being produced and bearing that only the provost and bailies of Dundie were cited as parties and not the Sheriff of Forfar, the Lords, after hearing parties, grant suspension as craved.

Complaint by the provost and bailies of Forfar, for themselves and in name of the council and community of the said burgh, as follows:—In the sixth Parliament of the late King James it is ordained that every sheriff in the kingdom shall have “an honest and famous man to be his clerk,” who by himself or a sufficient depute shall always be resident within the head burgh of the shire for receiving and registering hornings, relaxations, and otherwise serving his Majesty’s lieges.
Now the burgh of Forfar is the head burgh of the sheriffdom of Forfar, and the complainers have purchased decreets from their Lordships ordaining that all the sheriff courts shall be held within that burgh; yet William Gray, the present Sheriff Clerk, in contempt of the said act refuses, either by himself or a sufficient depute, to reside within the said burgh. Parties being cited and the pursuers compearing by Mr. David Persoun, their procurator, and the said Mr. William Gray compearing personally, the Lords, after hearing parties, ordain William Gray, either by himself or his sufficient depute, to make his residence in the burgh of Forfar in terms of the act, and allow him till 1st May next for his removal thither.

Complaint by John, Lord Areskine, in terms as formerly (ante p. 162) against the following refractory tanners, John Purves, Andrew, Angus, Munge, James and David Johnestoun, William Tait, Michael Mitchellhill, John, William and George Lidderdaill, John and William Smaill, John Mynto, James Blaikie, William Nicoll, James Ewart, Walter Scot, John Mudie, George Johnestoun, John Smaill, younger, Thomas Johnestoun, George Smaill, John Smaill, Robert Curroure and George Scot, all in Selkirk; and James Mader, James Ainslie, John Tod, James Gledstains, and Adam Bennick in Jedburgh. The pursuer compearing personally but none of the defenders, the Lords ordain them to be put to the horn and escheat.

"Ane missive frome the Commissionarise of the fisheing desiring to be particularie certifyed of the frethis, lochis and bays craved to be exceptit and reserved for the use of the cuntrey, quhairainret the town of Edinburgh being warnit, and thay compeirand be Nicoll Uddart and Mr Alexander Guthrie, thay tooke the nixt Counsell day to reporte a perfyte not and record of the same."

Most sacred Soverane, This bearer, James Achesoun, having petitioned your Majestie most deare father of ever blessed memorie for debts dew unto him from the late Earle of Orkney, whose estait was resumed to the crowne, we did thairafter appoint your Majesties Deputie Thesaurar, Clerk of Register, and Advocaet to examine his accompts and they made report to us that they found that the said late Earle the tyme of his decease was by cleere accompt addebed to the said James in the soume of foure thousand ane hundreth twenty one pundis of borrowed money, and that for furnishing a little before his death, as by our former recommendaition be letter writtin in his behalfe may appeare. And in regarde your Majestie saide lait deere father by diverse letters directed unto us did intamit his gracius intention to grant unto the said James the office of keeping a tole booke in all the faires and mercats of this kingdome in full satisfaction of his said debt, your Majestie upon notice thairof was graciously pleased laitle to signe ane grant of the said office unto the said James under your Majesties royall signature; but in regarde the magistrates of the town of Edinburgh in name of the rest of the royall
burrowes of this kingdome hes objected aganis the passing of the said graunt throw the seales as being ane mater prejudicail unto thame and their faires and mercats, thairfor upon the said James Acheson his humble supplication made unto us we ar hereby bold of new againe to recommend the said James Achesoun and his said debt and long forbearance thairof unto your Majesties owne princtiel consideratioun and other satisfacioun, the poore man being now utterlie undone for want thereof these manie yeeres bypast; and if he sall happin to make anie other faire overtur to your Majestie for his satisfacioun otherways than by troubling your Majesties coffers, qhilks ar now empitie, we would humbelie intreate for your Majestis gracious acceptance and allowance thairof for his better subsistence heirafter. So praying, etc. Halyrudhous, ultimo Martij, 1631. Subscribitur, Dupline, Wintoun, Perth, Galloway, Lauderdaill, Air, Areskine, Carnegie, Traquair, Arch. Achesoun, Sr Thomas Hope.

"The Lordes allowes Alexander Bythe to goe home and ordains the Laird of Fendaucht to stand still burdened for Thomas Jose, his man, till Witsonday; and ordains Captane Pollock to remaine till the tryell of Johne Meldrum."

"The Lordis ordains Johne Meldrum to be put to the tortour of the bootes the morne at eight of the clocke in the forenoon."

"Forsameekle as the Kingis Majestie hes writtin his princelie directiouns to the commissioners of his parliament for prorogating of the same untill the fourt day of August nixtocom, quhairy his Majestie may have some more tymie and leasure to be heere in person at the said parliament and to receave his crowne for the peace and securitie of this his ancient kingdome, if his roylll effaires can convenientlie permitt his Majestie, thairfor the Lords of Secret Counsell according to his Majesties expresse command and directioun sent unto thame ordains letters to be direct charging heralds, pursvants and messingers of armes to pas to the mercat croce of Edinburgh and other places neidfull and there be opin proclamatioun to make intimation to all his Majestis lieges and subjeccs that the said parliament is prorogat and continewed to the said fourt day of August nixtocom, and to warne all prelats, noblemen, commissioners for the barons and burrowes and all others having place, vote or owning attendance in the said supreme court of parliament to attend and await upon the same the day foresaid, with continuation of
dayes, and to doe and performe all and sindrie suche things as to their places and offices appertaneis, with intimation as efeiris. Followes his Majestie`s misse for warrant of the act abonewritten—CHARLES R. Right trystie and right weilbelovit cousine and counsellour, right trystie and right weilbelovit cousines and counsellours, and trystie and weilbelovit counsellours, we greet yow weil. Whereas we have written our princelie directioun unto our commissioners of parliament to prorogat and continew the same unto the fourth day of August nixtocomne, whairby we may have some more tyme and leasure to be there in persoun at the said parliament, and to receave our crowne for the peace and securitie of that our ancient kingdome, if our affaires can convenientlie permitt us, our pleasure thairfoir is and we doe hereby authorize, will and require yow that after the said parliament sall be prorogated and continewed, as said is, yow caus intimat the said prorogatioun and continuation to all our good lieges within our said kingdome by opin proclamatioun at the mercat croc of Edinburgh and at others places neiful, and warne all prelates, noblemen, commissioners for barouns and burrowes and all others having place, vote or owing attendance in the said supreme court of parliament to attend and await upon the same the foresaid day with continuation of dayes, and to performe all and sindrie suche other things as to their places and offices doeth appertane. And for doing of the premisses these our letters sall be unto yow and everie of yow frome tyme to tyme ane sufficient warrant and discharge in that behalf. We bid yow farewell, the 18th day of Marche, 1631. From our Court at Whitehall."

"Forsamekle as in the parliament holdin at Edinburgh in the moneth of Julij, 1567, it wes statute and ordaineth that all landlors and bailles of the lands on the Borders and in the Hielands wherin brokei men hes dwelt or dwellis sould find cautioun, landed men in the inne countrie, to the contentment of the Lords of his Majestie Privie Counsell upon the conditionis following, to witt, that if anie of thair men, tennents and servants, and indwellers upon thair lands, rounes and possessiounis or within thair bailleis sould committ anie maisterfull reasse, thift or resett of thift, depredationis opin and avowed, fire raisings upon deadlie feads, protected and mainteanned be thair maisters, that the landlors and baillesis upon whois lands and in whois jurisdiccion they dwell sall bring and present the persounis compleanned upon before his Majestie Justice and his deputs to abide tryell and underly the law for the same crymes upon fyftene dayes warning, as in the said Act of Parliament at lenth is contenait. Lykes in the Parliament holdin at Edinburgh in the moneth of Junij, 1594, it is statute and ordaineth that everie theefe and sorner sall be esteemed the man and servant of him of whome he hes land in tillage or pasturage, or whome the theefe, sorner or reaver accompanis at conventiouns, gadderings or at anie violent deids, or on whois ground the said theefe or reaver is
ressett and taryes twelwe howres togidder with the knowledge of the
landlord, being of power and abilitie to apprehend him, or who hes
recevued bands of manred or givin band of maintenance to theves or
reavers, or recevued their calpes and herzeldas, or who hes had the saids
theves and reavers under their assurance and exemptioun, as the said
Act of Parliament at lenth beiris. The executioun of the quhilks acts
hes beene thir diverse yeeres bygane slighted and neglected, quhilk hes
givin boldnesse and encouragemenent to sindrie disordered and brokin
lymmars in the Hielands to come doun in troupes and companeis in the
inne countries where they have not onlie committed stoutreaffes,
heirships and depredatiouns, but treasonable fire raisings, barbarous and
orwell murders and slaughters upon diverse his Majesteis good subjects,
highlie to his Majesteis contempt and to the disgrace of his royall
governement. And whereas the bypast neglect of the dew executioun
of the saids acts and the not calling of the landlords and bailleis of
thir disordered lymmars to thair answere hes beene one of the cheefe
causes that hes procured thir disorders and troubles, thairfor the
Lords of Secreit Counsell hes resolved no longer to neglect the
executioun of the saids Acts of Parliament bot upon the complaint of
partie they will prosecute and follow out the same with all extremitie;
and they ordaine letters to be direct to make publicatioun herof be
opin proclamatioun at the mercat croces of Aberdin, Banff, Elgine,
Forres, Narne and Innernes and others places neidfull, whairthrow
nane pretend ignorance thairof, and to warne all and sindrie landlords
and bailieis upon whois ground or within whois offices and jurisdic-
tiouin anie disorderlie lymmars dwelis and who sall committ anie of
the crymes particularlie abonewrittin that everie such landlord and
bailie sall be callit to thair answere and sall be made answerable for
the theves and reavers, committers of the crymes abonewrittin, or anie
of thame, and sall be compelled to exhibite thame to thair tryell, con-
forme to the saids Acts of Parliament in all points."

"The whilk day in presence of the Lords of Secreit Counsell compeired
personallie Sir Johne Scott of Newburgh, on the ane part,
and Andrew Scott, chirurgian, burges of Edinburgh, on the other part,
and submitted, lykeas be the tennour of this present act both
the saids parteis submittis, the present differenceis betuix thame anent
the said Andrew his ingadgeaments for the said Sir Johne and anent
thair comptis, reckonings, intromissionis and debursements resulting
and rysing upon the saids ingadgeaments and whairwith either of them
can burden others for anie caus bygane preceding the dait heirof, to the
honouurable persons underwrittin, they ar to say, to William, Vicount
of Air, and Johne, Lord Stewart of Traquair, judges and arbiters choisin
for the part of the said Sir John Scot, and to David, Lord Carnegie,
and Sir John Scot of Scottistarvet, judges and arbiters choisin for
the part of the said Andrew Scot, and in caise of variance betuix
thame to George, Viscount of Dupline, Lord High Chancellor of this
kingdome, oversman chosin with consent of both parteis, and to the
decreet and sentence arbitral to be givin and pronounced be the saids
judges or oversman heeranent; unto the quibils judges the saids
parteis obsequis thame to give in their claimes and articles of accompt
with the instructiouns and verificatiouns thairof at suche tymes as sall
be appointed to thame be the saids judges for cleering of suche points
and articles of the saids accompts as sall be in quesioun betuix
thame; lykeas the saids judges and oversman hes accepted and
accepts this submissioun in and upon thame and sall appoint to the
saids parteis competent tymes when and where they sall attend and
give in their claimes; and the saids judges or oversman sall pronounce
and give furth their decreet and sentence heerin betuix and the
day of nixtocoome; and quhatever the saids judges or overs-
man sall decerne heerin both the saids parteis binds and obsequis
thame to stand and abide thereat, underly and fulfill the same, but
appellatioun, reclamation or again calling quhatsomever. Lykeas M'f
Robert Burnet, brother to Burnet of Barns, advocat, compeir-
and personallie before the saids Lords, become actit and obleist as
cautitioner and souerietie for the said Sir Johnie that the said Sir Johnie
sall make payment to the said Andro of suche soumes of money as
after fitting and hearing of their compts the said Sir Johnie sall be
found cleerelie debtfull to the said Androw."

"The Lords of Secrete Counsell ordains and commands the provest
and bailleis of Edinburgh to delyver James M'Callum and Alaster
M'Inneis, prisoneris within thair tolbith, to Sir James Livingstoun, to
be transported and imploied by him in service of the warres, for doing
whairfo for these presents sall be unto the saids provest and bailleis are
sufficient warrand."

"The Lords of Secrete Counsell in respect of the manifold perjuryes
and false depositiouns made be Margaret Wod aganis persouns of qualitie,
importing thame in thair lyffes and estates, finds and ordains that the
said Margaret Wod sall be scourged through the burgh of Edinburgh
and banished the kinldome; and ordains the provest and bailleis of Edin-
burgh to caus execute this sentence and to make intimatioun to the said
Margaret Wod of the act of banishment thus made aganis her; for
doing whairfo the extract of this act shall be unto the saids provest and
bailleis are sufficient warrand."

[Sederunt as recorded above.]
and grants full power and commissioun, expresse bidding and charge to the provest and bailleis of Dundie to arrest and stay all shippes and vessels within their bounds and jurisdiction whairin anie victuall sall be shipped to be transported furth of this kingdome without libertie and licence granted for that effect, and to sequestrat the same to be furthecommand to his Majestis use as accordis; and for this effect, if neid beis to take the sales frome the raeis, and all others things necessar for arresting and staying of the saids shippes and vessells to doe and use. Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin.”

Complaint by Janet Grant, mother of the deceased Thomas Grant of Dalvey, Patrick Grant, his brother, and Patrick Grant of Straliauche, his uncle, as follows:—On 29th June last their Lordships granted a decreet finding that Alaster Grant in Tulloch, a notorious rebel for the slaughter of the said Thomas Grant, is man and tenant of Sir John Grant of Frewchie, knight, and that his wife, children and goods were taken upon Sir John’s ground, and assigning to Sir John the 22d of July last for the exhibition of the said Alaster Grant before them. Sir John was then excused on account of his indisposition and sickness, and Michaelmas last assigned for his production of the said Alaster; but he has neither obeyed their Lordships’ command, nor made any report to them upon the matter. The pursuers appearing by John Grant, apparent of Ballindallach, and the said Sir John comparin personally, the Lords, after hearing parties, ordain the said Laird of Grant to be warded in the Castle of Edinburgh upon his own expenses until he produce the said Alaster Grant.

Supplication by William, Earl Marischal, as follows:—He intends to build a bulwark and to repair the harbour of Peterhead, which is one of the special ports in the north parts for ships in time of storm and other important occasions, but he cannot procure sufficient timber for the purpose, except from Norway. Owing to the prohibition there of all export of timber unless victual is imported in exchange he can obtain none unless their Lordships grant him their licence to export thither twenty chalders of victual, half beir and half meal, and this he accordingly craves. The Lords, willing to further the said Earl’s “honnourable resolution,” grant him warrant as craved; Robert Keith, Writer to the Signet, becoming cautioner, entered in the books of Secret Council, for the said Earl, that he will bring timber from Norway for the purpose above written, under the penalty of the payment of the price of the victual so to be exported.

Supplication by David, Lord Carnegie, for a similar license. “He has occasion and necessitie of building and repairing of some houses for his better accommodatioun and ease in his loodgings,” and requiring for this to bring some timber from Norway, craves license to export thither ten chalders of beir, meal and malt. This the Lords grant, William Carnegie,
burgess of Edinburgh, becoming cautioner that Lord Carnegie will perform his compact, under the penalty of paying the price of the victual exported.

Supplication by Sir Thomas Urquhart of Cromartie, Sheriff of Cromartie, for a similar license. He is building a house for his better accommodation, and can obtain timber for it only in Norway. He craves their Lordships' license to export ten chalders of beir and meal for this purpose; and this the Lords grant, Mr. Robert Ferquhar, burgess of Aberdein, becoming cautioner for him in terms as above.

Supplication by Robert, Earl of Nithsdale, lord of the regality of Drumleit, and Adame Sturgeoun of Troqueir, bailie depute of the said regality, as follows:—In a justice court lately held by the said bailie depute at one Dorothy Hall, Hall, her brother, John Maxuell, her son, and Isobel Charletoun, her servant, were charged with stealing a chapman’s pack and two cows, and the said Dorothy and her brother, being convicted of the theft, suffered death for the same. The said Isobel was convicted of reset, and the said John of art and part of the stealing of the cows. The poor woman is a stranger, and what she did was by direction of the said Dorothy; and the said John is a boy of thirteen years, and acted only at his mother’s instigation. They crave their Lordships’ direction as to the sentence to be passed upon them. The Lords remit their punishment to the Lord of regality foresaid and his said depute “according as they shall find the nature and merit of the offence deserve.”

Complaint by James Murrey and Antonie Alexander, Masters of his Majesty’s Works, and Alexander Peirs for his interest, as follows:—His Majesty has given order for the building of a pond in some convenient place for washing and watering his Majesty’s horses, and the complainers for this purpose chose a place near the “Water Yett where they were accustomed to lay the red of his Majestie’s houses,” as most proper and commodious, and had five hundred pieces of hewn work and other material in readiness to have commenced the work in January last, when they were interrupted by Mr. John Hart in the Cannogait upon a pretended right which he alleged to the said bog. On 25th January last their Lordships ordained him to come to an agreement with the complainers and accept a reasonable satisfaction, but he utterly refuses to accept any. They accordingly caused some workmen to commence operations, but the said Mr. John had come to the poor men and threatened them with hanging if they proceeded any further. Both parties comparing and submitting to the said Lords the satisfaction to be given for the bog, the Lords ordain the pursuers to pay to the defender £40 for his right thereto.

Complaint by Andrew Qubyte, jailor and keeper of the tolbooth of Edinburgh, as follows:—Margaret Wod was committed to ward therein on 18th December last, and remained in “the old waird thairof” forty-
five nights, for which there is due to him as jailer fee £9, being 4s. nightly. Thereafter being put to the torture she was committed "to close waird with twa weomen to attend her and ane man to opin the doore," and their lordships allowed unto her and them 20s. daily from the 2d February till the last of this instant. This amounts to £58, which the complainer has advanced unto her by their Lordships' direction. Further there is due to the complainer as jailor fee during this period £19 6s. 8d. and £8 14s. for a furnished bed, of which he can obtain no payment. Charge having been given to George, Lord Gordoun, William, Lord Hay, and James Crichtoun of Fendraught; and parties all compearing personally except Fendraught, who was represented by Mr. James Baird, his procurator, and being heard, the Lords ordain the said Laird of Fendraught to pay to the pursuer the expenses of the said Margaret Wod both before and after the torture, being 10s. before and 20s. after the torture daily, with half a merk for her bed and jailor fee daily.

Complaint by James Grahame, messenger, and Susanna Heriot, widow of John Mowat, burgess of Edinburgh, as follows:—On 28th March last the said James Grahame, assisted by the town officers, and Duncan Campbell and George West, messengers, apprehended David Littill of Ormestounhill in the "kirk heucha" of Edinburgh on a caption at the instance of the said Susanna Heriot, whereupon Alexander Monteith, servitor to Lord Balmerinoch, and James Libbertoun and Matthew Wauchop, also his servants, assailed the said messenger fiercely with their drawn swords, wounded him in the left hand and other parts of his body to the great effusion of his blood, reft the said rebel from him and put him in the said Lord Balmerinoch's lodging, vowing that, if the messenger came there, "they should put swords in his bellie." Pursuers and defenders both compearing, and witnesses being examined and parties heard, the Lords find that the said Alexander Monteith struck the messenger with a sword and put away the rebel, and ordain him to be warded in the tolbooth of Edinburgh till they relieve him. The other defenders are assized.

Complaint by Marion Home, wife of Patrick Cranston of Carsebie, as follows:—On 5th April last their Lordships modified to her the sum of 800 merks to be paid to her by her husband for a year's aliment, viz., till 1st April instant. Her said husband still continues in his malicious disposition towards her, and shaking off all natural affection has lately put away his three children, whom she has been obliged to entertain upon her aliment in Edinburgh with great difficulty. Now that he may reduce her and her harmless children to beggary he is resolved to dispose his whole means to Cranston, his base son to whom he has already disposed a considerable part; and further to ensnare and bring under danger of the law the young-boys, of whom the eldest is not years, he has caused them to be charged to find law:
burrows towards himself and his said base son. She therefore pleads that her alimemt should be continued to her yearly during their separa-
tion, and something modified for the support of the three children.
Pursuer and defender both compearing and having been heard, the Lords
continue the sum of 800 merks modified to the pursuer for her support
for the year to come, and other 200 merks for the support of the three
children, and ordain the defender to make payment thereof at the terms
of Whitsunday and Martinmas next.

Sederunt.—Chancellor; Murrey; Winton; Perth; Gallouay; Acts January
Lauderdale; Viscount of Air; Bishop of Ross; Bishop of
Dumbane; Lord Areskeine; Lord Melvill; Lord Carnegie; Lord
Traquair; Master of Elphinstoun; Secretary; Clerk of
Register; Advocate; Justice Clerk; Sir John Scot; Sir James
Baillie.

The tortour of "The Lords continewes the tortouring of Johne Meldrum till a new
occasion."

"The whilk day ane warrand wes past to the captane, constable and
keepers of the Castell of Edinburgh to keepe James Grant in yron
checkells or otherways as they in their discretion wull thinke meit for
the more sure and saulf keeping of the said James."

"The Lords ordains the provest and bailleis of Edinburgh to deliyver
John Cruikshank to the Lord Gordoun to the intent he may carie
him north to be confronted with Isabella Cruikshanke; and ordains the
Lord Gordoun as he saul find cas to bring thame both backe and
exhibite thame to the Counsell to be examined of suche things as sall be
demanded of thame concerning the hous of Fendraught."

"The Lords appoints the nixt Counsell day to be upon the twentie of
this instant."

"After our verie heartlie commendatiouns. We have understood by Royal Letters
your letter to the Lord Chancellour of the care and paines takin by yow
for settling of that late trouble whiche unhappily fell out betuix the
Drummonds of Drummaneroche and the Buchanans of Leney, how the
parteis ar inclyned and upon quhat occasioun thair agreement hes
been lettet, for whiche your painfull endeavours we render yow our
heartlie thanks. And becaus we would be soire that ane worke so wele
begun sould not in the end receave the wished effect we have thought
good of new againe to recommend that mater to your prudence and care
and to intreate yow to travell betuix the parteis and to use your best
credite and instance for composing of thair differences and mediating of
ane heartlie freindship and reconciliatioun amonge thame, and to report
your proceedings and the successe thairof to the Counsell upoun the
twentie of this instant. Quhairin resting assured that nothing will be
wanting in yow that may condue to the settlling of the bussines according
to the trust whiche we repose in yow, we committ yow to God. Frome Halyrudhous, the secund of Apryle, 1631. *Subscriptior*, Geo: Cancell., Gordoun, Air, Pa. B. of Rosse, Carnegie, Traquair, Arch. Achesoun, S't Thomas Hope.

"Most sacred Soverane, This inclosed petitioun being exhibite to us be the relict and childrein of umquhill Archibald Prymeros, late Clerk of your Majesteis Taxatiouns, and we being humbelie intreated be thame to give notice thairof to your Majestie we could not in a mater so weel knowne to us refuse the same. For the said umquhill Archibald wes an everie carefull and diligent servant, and by his long experience, panefull endeavours, and great charges brought that service to ane higher perfecioun nor ever it wes in anie preceeding tymes. He discovered manie pund lands now lyable to your Majesteis taxatiouns quhilkis formerlie wer not heard of nor knowne, and by the rolls, records and papers quhilkis he hes left behind him the secreites and mysteries of that service, quhilkis wer obscure and knowne to few, ar now made cleere, to your Majesteis great profite. And thairfor most submissivelie recommending thame and thair petitioun to your royall bountie and favourable consideratioun we pray God, etc. Halyrudhous, 2 Aprilis. *Subscriptior*, Dupline, Murrey, Wintoun, Perth, Galloway, Lauderdaill, Air, Pa. B. of Rosse, Melvill, Carnegie, Traquair, Ar. Achesoun, S't Thomas Hope."

Sederunt—Chancellor; Viscount Air; Bishop of Rosse; Carnegie; Holyrood House, 4th April 1631.

"Anent the supplicatioun presentted to the Lords of Secret Counsell be James Crichtoun of Fendraught, makand mentioun that where it pleased the said Lords for the better tryell and discoverie of the persons guiltie of that cruell murder and burning of the Lord Melgame, Rothemay and others within the suppliants hous and towre of Fendraught to ordaine and appoint by twa severall acts that Johne Toshe, his servitour, and Johne Meldrum of Ridhill sould be putt to the tortour of the bootes, according whereunto the said Johne Toshe is alreadie tortured, and who, as the supplicant is informed, hes declared nothing inducing his suffering that may argue the least suspicioun of guiltines in him of that execrable fact. And whereas it now rests that according to the saids Lords thair ordinance the said Johne Meldrum sould lykeways be putt to the tortour, whiche nevertheless hes beene hitherto shifted and delayed, the supplicant humbelie offers unto the saids Lords thair consideratioun how farr he is interested in his credite and the course of justice wronged by that forbearance, considering that there is no worldlie thing whairof the supplicant is more zealously carefull than to have that hiddin mysterie brought to a cleere light. And seing there is vehement and pregnant presumptiouns aganis the said Johne Meldrum that he is guiltie and accessorie to the said fact, who being now weake and infirme and in the conscience
of his guiltines apprehending the pane of the tortour and the shame and ignominie that will accompanie his death if he sall come to a confession of the truthe, it may justlie be feared that if his tortour be longer delayed, he may be drawin upoun the foresaid respects desperatlie to make away himselfe by poysoun or otherwayes; and all after meanes of discoverie being removed by his death the supplicant and his servants, who pleades innocent of the cryme, will be of new againe troubled and scandalized, and the imputatioun thairof will be cassin upon the supplicant by the power and malice of his enemeis, who, he wishes, wer als carefull to finde out the guiltie as they ar violentlie fordward to fasten the blame thairof upon him, and to make him debtour for the same, whairby they may have some pretext to keep him in a perpetuall trouble to his utter wracke and undoing. And whereas the tortouring of Johne Toshe was pressed with great vehemencie the course of justice now requires that the said Johne Meldrum sould lykeways goe to the tortour, whiche being ministred unto him in that measure whiche Johne Toshe receeved it, the supplicant doubts not bot he will give a greater light than hitherto hes beene had in that unhappie bussines. Not that the supplicant craves this aganis him (as he protestes to God) for anie cruell revenge or remembrance of the indignities and wronges he hes done unto him; he is free of all suche side respects and is onelie led thairto out of a desire to heve the truthe cleere for releefe of the innocent and punishment of the guiltie. Humblye desyryng thairfor the saide Lords that they would be favourablie pleased presentlie to proced to the tryell and tortouring of the said Johne Meldrum and not to deferre nor delay the same anie longer, otherwayes he heere protestes and declares that if the said Johne Meldrum sall happin to be cutt off by death before he be putt to the tortour, that the said supplicant hes done his dewtie and diligence for the discoverie of the fact, and that the not tryell thairof be not impute unto him bot that he may be free of the same for ever; lyke as at mair lenthe is conteanit in the said supplication. Qubilk being read, heard and considerit be the saide Lords and they rypelie advised thairwith, the Lords of Secret Counsell continwees the answering of that bill till the nixt Counsell day, and in the meaneyme ordains the saide supplicant his protestatioun anent the not torturing of the said Johne Meldrum to be insert and registrat in the booke of Privie Counsell ad futuram rei memoriam."

Commission for examination and exhibition of Isobel Cruikshanke anent the burning of Freendraucht.
Lords of Secret Counsell gives and grants warrand and commisionn to George, Lord Gordoun, and James, Lord Ogilvie, conjunctlie to pas, searche and inqyryre for the said Issobell Cruikshanke and, being apprehendit, to try and examine her anent the truthe of the particulars abonedwritten and of what she saw or knowes concerning the same, and that they make all other lawfull tryell and inqyryre that may conduce to the cleerung of this bussines, and that they caus set down in writt the depositions to be taken in the said mater and report the same to the Counsell upon the twentie of this instant; as lykewayes that they bring and exhibite the said Issobell Cruikshanke before the saids Lords the day foresaid to the effect she may be re-examined and confronted with the said Johne Cruikshanke anent the truthe of the said deposition; for doing whairof the extract of this act shall be unto the saids commissioners ane warrand."

"The Lords of Secret Counsell gives and grants warrand and commissioun to William, Earl Marischal, and others to visit Fendraucht and to inspect it with a view to discovering the origin of the fire at the place of Fendraucht, and to consider the frame and structure thairof, and how and by what means the fire was raised within the same, and if the fire was accidentall or done of sett purpose by the hand of man, and if there be anie possibillitie or probabilitie that the fire could have beene raised be anie persons without the hous; and that they report thair proceedings and what they sall find thairin formallie in writ under thair hands to the saids Lords upon the twentie day of this instant, for doing whairof the extract of these presents sall be unto the saids commissioners ane sufficient warrand."

"The Lords of Secret Counsell ordains and commands his Majestie Advact, Justice Clerke and Justice Depute, to call before thame and examine all and sindrie persounes whome they sall find can give anie light or evidence tuching the death of the Laird of Samuelstoun and maner thairof, for doing whairof the extract of these presents sall be unto the said Advact, Justice Clerke and Justice Depute ane sufficient warrand."

"After our verie heartillie commendations to your good lordship. Whereas there is ane commissioun grantit to your lordship, the Erle of Mairsheil, the Bishop of Murrey, the Lord Carnegie, and Colonell Bruce for surveying the hous of Fendraucht and tyching takin how and by what means the fyre could have beene raised within the same as the warrand direct thairseent more fullie proports, and seing Wednesday the 13 of this instant is appointed to the commissioners for thair meeting at the place of Fendraucht we thought good to certifie your lordship of the same and thairwithall earnestlie to request and desire your lordship to keepe
the said dyest preceislie and to concurrie and joyne with the rest of the commissioners by your best advice and judgement for cleering the trew estait of that whiche heirby is recommendit to your care, and to report to the Counsell your proceedings thairin upon the twentie of this instant. Qchairin nothing doubting of your lordships willingnesse and care in a businesse so tender and important, we rest, committing your lordship to the protectioun of the Almighty God. Frome Halyrudhous, the fourt day of Aprile, 1631. *Subscribeit*, Geo: Cancell., Aire, Traquaire, Arch. Achesoun, St Thomas Hope, S. G. Elphinstoun."

"May it please your good lordships, Having receaved your Lordships letter of the 25 of Marche we entered into the consideration of the frithes, loches, bayes and yles fit to be reserved for the natives of this kingdome by your lordships treatie in the associacion of the fishing; but in regarde it seemed necessar to be informed by the coastside men of these parts quhair these fishings are quhairby we might make the expected report thairof, we have thought it expedient to delay answer untill the meeting of the Counsell appointed to be upoun the 20 day of this instant that in the mean tyme we may be weil informed by others who can best give notice unto us of suche places as ar fit to be reserved. Thairfor we hartlie pray your lordships to proced in the treatie of the others particulars untill the said day. At that tyme, God willing, we shall write our faithfull opinions unto your lordships concerning the same as your lordships letter requireth us to doe. And so with our heartie thanks to your lordships for your kynde respect and care of his Majesteis ancient kingdome, we rest, etc. Halyrudhous, 4 Aprilis, 1631. *Subscribeit*, Geo: Cancell., Gordoun, Aire, Pa. B. of Rosse, Carnegie, Traquair, Arch. Achesoun, S. Thomas Hope."

"Illustrissimae et amplissimae domini, amici nostri plurimum dilecti. Per... libellum supplicem non ita pridem nobis exhibitum per Samuilem Wallace, Willielmmum Weir, et Jacobum Weir, sacratissimi domini nostri Caroli Dei gratia Scottiae, Anglie, Hibernie et Franciae regis, regni sui Scottiae subditos, mercatorum nostrorum procuratores ac negotiorum gestores, intelleximus navem quandam ab ipsis et eorum sociis zytho onustam, vela facientem versus Veram in Zelandia, dicti regni Scottiae in confederatis provinciis Belgii scopulum, a quibusdam Dunkirkensibus primo die Martii et post promulgatum pacem vi et dolo malo captam et vestro judicio et sententia (ut asseritur) fisso adjudicatam. Non miramur pauculum causam et tanti mali contra articulos pacis nefarie perpetrati rationem. Idcirco obnxie rogamus ut, debita examinatione prnahita, delinquentes secundum juris formam conseniat, et tanti criminis ita redarguatis severe, et sine mora, ut dicta navis, cum mercimoniis et omni damno, quarentibus secundum juris et æquitatis regulas et federatorum principium amicitias et pacta federa restituatur. Id si fercitatis gratiose et sine juris strepitu, nos tanti favoris gratos redivibores ad omnia mutui amoris et amicitiae vincula paratisimos semper inveniotis. Interes..."

Sederunt.—Chancellor; Wintoun; Lauderdale; Viscount of Air; Holyrood House, 20th April 1631.
Lord Gordoun; Bishop of Rosse; Lord Carnegie; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

"The whilk day the Lords of Privie Counsell, according to his Majestis missive letter directed to the saide Lords and this day presented unto thame and read in thair audience, receaved and admitted Johne, Bishop of the Yles, to be one of the ordinarie number of the Privie Counsell and to injoy all the honourns, dignities and priviledges proper unto that place; lykewise the said Bishop of the Yles being personallie present and acknowledging his Majestis gratious favour showne unto him in advancing him to this honourn and dignitie, he with all dew reverence upon his knees, his hands lying on the halie evangell, gave his solemn oath of alledgeance and of a privie counsellour. Followes his Majestis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and right weelbelovit cousine and counsellour, right trustie and weelbelovit cousines and counsellours, and right trustie and weelbelovit counsellours, we greit yow weill. Being informed of the sufficiencie of our right trustie and weelbelovit Johne, Bishop of the Yles, and of his affectiouon to our service, we ar moved in regards thairof and for his better encouraging and enabling for our said service to advance and promove him to be one of our Privie Counsell of that our kingdome. Thairfor our pleasure is and we doe heirby require yow that having administrad unto him the oath accustomed in the lyke caises yow admit him to be one of our Privie Counsell, receaving him in that place as one of your number, for doing whairof these presents sall be unto yow ane sufficient warrand. We bid yow farewell. From our Court at Whitehall the 24 of Marche, 1631."

" The whilk day the patent and contract underwrittin wer read, past Monopoly for thirty-one years granted to Mr. Nathaniel Udward for his new process of manufacturing salt. R. Our soverane Lord, out of his princiclie and tender regarder to the honour, credite and reputacion of his hienes ancient and native kingdome of Scotland, being gratiouslie disposed to give encouragement, further and advance all suche industries, workes and inventious as may bring within the same the practise of profitable and usefull workes not formerlie known thairin, and considering how necessar and convenient it is to have salt made within all his Majestis kingdomes in suche plentie and perfyte goodnes, serviceable for all uses of his Majestis subjects, as in short time all his Majestis kingdomes may be perflytie and plentivullie furnisht with perfyte good salt made within the same without bringing anie from forraigne parts; and
in regarde our servant, Nathaniel Udwart, at his great coast and charges. He first found out one mysterie and inventioun for making of salt in suche plenteie and perfect goodnesse that whereas heretofore one boll was made at the saltpannes within his Majesteis said kingdom he now doeth undertake to make one half more to the behoove and profit of the salt maisters and that with as little fowel as formerlie the panmaisters did mak one boll of salt and of a more perfyte goodnes, and that the quantitie foresaid and proportioun whiche sall be made over and above one boll of salt sall be toward ane yeerlie benefite to his hienes, and the reward of his owne paines, charge and inventioun, and such as ar his partners and undertakers with him, conforme to the conditionis and provisions conteaned in one contract past betwix his Majestie, with consent of his Counsell, on the one part, and the said Mr Nathaniel Udwart and Sir James Gallouay, knight, his college, on the other part, whiche is of the dait the twa and twentie day of Februarie ane thousand sax hundredth and threttie yeeres, stilo Anglico. Thairfoir his Majestie with advice and consent of the Lords of his Majestie Privie Counsell of the said kingdome of Scotland ordains ane letter to be made under his Majestie great seale in dew forme giving and granting, lykeas his Majestie by the tenour heirof with advice and consent foresaid gives and grants, to his hienes right trustie and weelbelovit counsellor, Sir James Gallouay, knight, sole Maister of Requesites of the said kingdome, and to the said Nathaniel Udwart, Esquire, thair airis and assigneyes, partners, deputis and factors, the sole and full power, libertie and licence by thaymselfes and thair foresaidis to make and caus to be made salt according to the said mysterie and inventioun found out be the said Mr Nathaniel Udwart for making of salt of the perfect goodnes and quantitie aforesaid, and to doe and performe all things necessarie and requisite for erecting and establishing of their said new inventioun and mysterie, for and during the space of threttie one yeeres nixt and immediatlie following the dait heirof, with express command and charge to all his Majestie lieges and others persons whatsoever that they nor none of thame presoome nor take upon haund to make or erect ane suche salt pannes according to the inventioun found out be the said Mr Nathaniel or to make use of the said mysterie or to cast or bring anie salt pannes within the said kingdome of that fashion and fabrick, or in anie sort to trouble and inquiet his hienes said trustie and weelbelovit counsellor, Sir James Gallouay, and Nathaniel Udwart and thair foresaidis during the space abomentionouen by anie maner of way in the free and sole use and exercise of the said mysterie and inventioun, discharging all his Majestie subjects and others persons abomentioned whatsoever during the said space to erect anie pannes of this sort and mysterie or having part of this new inventioun, whiche sall be tryed by the Lords of his Majestie Privie Counsell if anie questioun sall happen to arise concerning the same, under the pane of con-
fiscatioun of the pannes and salt so made, the one halfe to his Majestie and the other halfe to his hienes said trustie counsellor, Sir James Gallouay, and Nathaniel Udwart and thair foresaids, besides the just punishment they sall incurre in thair bodeis for the contempt of his Majesteis royall pleasure. Provided alwayes that his hienes said trustie counsellour, Sir James Gallouay, and Nathaniel Uduart and thair foresaids beginne the work and practise the same within two yeeres after the dait heirof and that they prosecute and follow furth the worke thereafter without suffering the same to rest or cease for two yeeres togidder, except a lawfull caus be alledged and proved before the Lords of his Majesteis Privie Counsell. Provided lykewyes that his hienes said trustie counsellor, Sir James Gallouay, and Nathaniel Uduart and thair foresaids sall not refuse to impart thair said mysterie and pannes to amie of his Majesteis subjectes of the said kingdome who sall be willing to use and exercce the said mysterie and inventioun, but so as they first secure his hienes said trustie counsellor, Sir James Gallouay, and Nathaniel Uduart and thair foresaids for his Majestie and thair owne use of the superplus of all the salt that sall be so made over and above the quantitie and one half more then they have beene in use to make heretofore. Lykeas the said Sir James Gallouay and Nathaniel Uduart and thair foresaids sall be obliged to make compt, reckoning and payment to his Majesteis Thessaurar and Lords of his Majesteis Excheker of the halfe of the superplus of the said salt whiche sall be made by the user and practiser of the said new mysterie as weil by thameselfes as by others by thair licence, and als to make compt of the halfe of all suche salt and pannes whiche salt be confiscat and escheated from whatsoever persoues contraveeners and users of the said mysterie without the advice and consent of the said Sir James Gallouay and Nathaniel Uduart, and that according to the tennour of the said contract past betuix his Majestie and thame thereenant. It is alwayes declared that notwithstanding of anie prohibitioun heerin conteanned it sall be lawfull to quhatsomever his Majesteis subjectes and panmaisters to make salt ather in the forme alreadie used by thame or in anie other forme not having the forme and fabrick of the said new mysterie nor no part of the same: And that the said letter be extendit in the best forme with all clauses neidfull, with command therein to the Lords of his Majesteis Secreit Counsell and Sessioun to grant and direct letters and all other executioun neidfull upon the premises as accords of the law. Givin at our Court at Whitehall the foresaid two and twentie day of Februarie one thousand sax hundreth and threttie yeeres stilo Anglicano. Sic subscribitur Geo. Cancell., Wintoun; Lauderdaill; G. Gordoune; Aire; Pa. B. of Ross; John, Isles; Carnegie; Scottisstarvet."

"CHARLES R. At the Court at Whitehall the two and twentie day of Februarie, the yeere of God one thousand sax hundreth and threttie yeeres stilo Anglicano, it is appointed, agreed and finallie contracted
beauix the most excellent, high and mighty prince, Charles, be the grace Acts January
1631, May 1632. of God King of Great Britaine, France and Ireland, Defender of the fol. 61, a. Faith, etc., with advice and consent of his Majestie Privie Counsell of the kingdom of Scotland, on the one part, and his hienes trustie and Fol. 61, b. weilbelovit counsellour, Sir James Galloway, knight, sole Maister of Requeiste in his Majestie kingdome of Scotland, and Nathaniel Uduart of Leith in the realm of Scotland, Esquire, on the other part; that is to say—Forsameekle as his Majestie, considering how necessarie and profitable a thing it is to have salt made within all his Majestie dominions in suche plentie and perfect goodnes serviceable for all uses as in a short tyme all his Majesties kingdoms may be furnisshed with the same at home, whiche in tyme past hath bene brought from forane parts, and seing the saied undertakers have takin upon thame to make and sett up ane new fashional of pannes and fornaces and others necessarie things for making of salt not formarlie seene or used within his Majesties dominions in suche sort that whereas before ane boll of salt wes made at the usuall pannes within his hienes kingdoms they doe now undertake by this new inventioune to make one halfe more for the benefite and profite of the owners of the saied salt pannes, and what quantitie they saill make over and above that to come to his Majestie, and for their owne paines, charges and inventioune, and this quantitie aforesaid to be made by thame with the same proportioune of fewell as formerlie they did make but one boll, and that the salt saill be of a more perfyte goodnes and serviceable for all uses than the salt usuallie madhe heretofore within his Majesties dominions; and lykeways his Majestie out of his hienes princelie consideratioun forseing how painfull and difficult the first erecting and setting up of suche workes will be to the saied undertakers and what great charges they have beene and ar like to be putt to in commencing and accomplishing of so great a worke, and withall out of his hienes princelie and tender regard to the publict good of his kingdom desyrous to have the said worke furthwith begun and sett agoin, thairfor his Majestie for the ease, helpe and encourage ment of his trustie and weilbelovit counsellour, Sir James Galloway, and Nathaniel Uduart, thair airs, executours, assigneyes, partners, factors and servants, with advice and consent aforesaid, out of his hienes princelie goodnes and for other weightie consideratiouns moving him thereto, doeth bind and obeis himselfe, lykeas by these presents under his Majestie hand and seale his hienes doeth promise for himselfe and his successours in verbo principis to performe and fulfill to the aforesaid undertakers and thair foresaid these conditiones following, viz.—That Fol. 62. a. the saied undertakers and thair foresaid saill in tyme comming injoye the whole benefite and priviledge contaiued in thair patent and that for and during the whole space of threttie one yeere nixt and immediatlie following the dait heirof, and if anie thing saill be thought upon heerafter whiche may further and advance the said inventioune and
benefite thairof, the samine being so found by advice of his Majesteis Counsell, his Majeste doeth by these presents promise in verbo principis by his grantis, warrants and proclamationis frome tyme to tyme to strethen and authorize the same. And seing the foresaid tryeell of this new inventioun of making of salt is first of all to be tryed in his Majesteis said kingdome of Scotland, and forsameekle as for the present the foresaid undertakers have their grant onelie for making of salt within that kingdome, notwithstanding his hiennes doeth promise by these presents in verbo principis, that they and their foresaidis sall upon ane tryeell made, as is before mentiouned, have als ample graunt and patent for useing and exerceeing the said inventioun of making of salt in the kingdomes of England and Ireland as they have grantit to thame in Scotland, togidder with all suche conditionis ather thought upon or mentionied alreadie in their patent or whiche may be thought upon and heerafter found necessarie for the good proceeding of the said works and profite to his Majestie, owners or undertakers aforesaid furth of the samine. Thatfoir his hiennes trustie and wellbelovit counsellour, Sir James Gallouay, and Nathaniel Uduart binds and obliges thame and their foresaidis, conjunctlie and severallie, at the sight of his Majesteis Counsell of the said kingdome of Scottland, sufficientlie to secure for his Majesteis use ather in specie or pryce the first moyetie of all the excrescence of salt whiche sall be made at anie salt panns within the said kingdome by vertew of this new inventioun during the tyme aforesaid (the owners of the said salt panns and their foresaidis full proportioun of salt as is before mentiouned being first trewilie deducted). And it is heereby expresselie provided for releefe and discharge of the saids undertakers that if anie maisters of the saids salt panns sall chance to breake or refuse to the saids undertakers anie suche proportioun as sall happen to be dew to his Majestie in tyme comming, as is aforesaid, furth of the saids pannes, that then and in that cause the saids undertakers and their foresaidis sall be discharged of the said rent to his Majeste pro tanto by giving in the bands of the partieis obliged to his Majesteis Exchecker whairby his hiennes owne officers at his Majesteis proper coast and charges may recover the debt. And lastlie his Majeste doeth in verbo principis for himselfe and his airis and succesours promise to alter and renew these presents to the saids undertakers and their foresaidis in the most sure and ample formes as sall be found requisite for their further securitie concerning his Majesteis part and his hiennes performing of the premises, keeping always the substance heirof, and to ratifie and confirme this present contract and all clauses, articles and conditionis thairin conteasnit in his Majesteis high court of Parliament nixt to be heldin within the said kingdome, for the whiche these presents sall be sufficient warrand to the Lords of Articles of the said Parliament to that effect. And for the more securitie his Majeste and the saids undertakers ar content and consents that thir presents be insert and registrat in the
Bookes of Counsell and Sessioun of the said kingdome to have the strent
of ane Act and decret of the Lords thairof, with all needfull 'execution

to follow heirupoun in forme as effeirs, and to that effect constituted

and ilk ane of thame, conjunctlie and severallie,
thair lawfull procurators, promitissent de rata etc. In witnes quhairof his
Majestie hes sealed and superscroyved, and the saids undertakers have
subscroyved thir presents with thair hands day, moneth, yeere and place
abonewrittin, before thir witnesses, James, Marqueis of Hamilton; and
George Kirk, one of his Majestis bedchamber. Sic subscriptur, James
Galloway; Na. Vduart; Hamilton, witnes; George Kirke, witnes; Geo.
Cancell; Wintoun; Lauderdaill; Gordoun; Aire; Pa. B. of Rosse;
Carnegie; Scottistarvet."

"The whilk day the report underwrittin subscroyved be the commis-
sioners appointed for visitatioun of the hous of Fendraucht wes produc-

ed in Counsell, of the whiche the tennour followes:—At Fendraucht the

threttene day of Aprile, the yeere of God mviij and threttie ane yeeres,
we underscroyvers for obedience of ane ordination and warrand givin
be the Lords of his Majestis most honourable Privy Counsell made our
adressse to the hous of Fendraucht and considirrit the frame and
structure thairof for tryell how and be what means the fire wes raised
within the same and whither the fire wes accidentall or done of sett
purpose be the hand of man, and if there be anie possobbilitie or
probabilitie that the fire could have beene raised be anie persoun without
the hous; and having sighted and examined the samine with one voice
and consent resolves as followes:—We finde be all likliehood that the
fire whairby the hous wes brunt wes first raised in ane vault whairin we
find evidencieis of fire in three sindrie parts, one at the farthest end
thairof, another towards the middes, and the thrid on that gavell whiche
is hard by the hole that is under the bed whiche wes in the chamber
above. Your good lordships will excusse us if we determine not con-
cerning the fire whether it wes accidentall or of sett purpose by the
hand of man, onelie this muchie it seemeth probable unto us after con-
sideratioun of the frame of the hous and uther circumstances that no
hand without could have raised the fire without aide frome within. In
witnes whairof we have subscroyved thir presents with our hands. Pa.
Aberdene; Jo. B. of Morsay; J. L Ogilvy; Carnegy; Henry Brus.
Qhiche report being read in the presence and hearing of his Majestis
Counsell, the Lords ordains the same to be registrat and ane extract
thairof givin to the parteis whome it doeth concerne."

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, his
Majestis Advocat, protested that the paines incurred be the cautioners
for the Johnestouns, fugitive from thair tryell appointed to have beene
at Lanerk, be not modified; quhairupon the Lords ordnis the cautioners
to be summound to heare and see thame decerned to have incurred the
saids panes and accordinglie to make payment of the same."
"The quhilk day the Laird of Fendraught undertook to exhibit Thomas Jose the first Counsell day of Junij."

"Forsameckle as there hes beene manie good Acts of Parliament made be our soverane lords royall progenitours of worthie memorie againis the ginnel ling and keeping of victuall to a dearth, by the quhilk acts it is statute, declared and ordained that the buyers and keepers of victuall to a dearth shall be punished as ockerers, and that victuall sould not be keeped up bot brought to the mercat and sauld to the lieges, under the pane of confiscatioun of the same, as in the saids acts at lenth is contenit; notwithstanding whereof the Lords of Secret Counsell ar informed that the present dearth and appearance of skarsetie of victuall within this kingdome proceedes not from the trew want and skarsetie of victuall, whairof it is weill knowne the countrie is universallie plentifullie furnished, bot frome the avaricious doing partlie of the owners of victuall and partlie of merchants and victuall traders, who having made fore-blockes of victuall keepes up thair victuall in ginnellis to ane dearth and refusis to bring the same to mercat or to sell the same to the lieges, so that this dearth whairwith the countrie is threatened is artificiallie fostered and interteanned be the persouns foresaidis againis all good order, policie and governement and to the great hurt and prejudice of the commoun weale. Thairfor the Lords of Secret Counsell ordains letters to be direct charging officiares of armes to pas and make publication of the saids acts be opin proclamatioun at the mercat croezes of the heid burrowes of this kingdome and uthers places neidfull, quhaierthrow nane pretend ignorance of the same; and to command and charge all and sindrie persouns, awners and havers of victuall and who keepes the same up in ginnellis or sellers, that they caus opin thair saids ginnellis and sell out thair victuall to the lieges at reasonable and competent pryces, and that they send reasonable proportions of thair said victuall to the mercats most ewest to thame everie mercat day and there sell the same in opin mercat, and that all persouns who hes anie stacks not as ytt cassin in that they cast in and threshe out thair stackes and sell thair victuall, as said is, under the paines contenit in the saids Acts of Parliament; quhilk panes sall be severelie execute upon the contraveeners without favour; and to command and charge all shireffs and stearwits and others his Majestis judges, officiairs and magistrats, everie one of thame within thair awne bounds, to have a speciall care that this act and ordinance receave dew effect and executioun within thair saids bounds, and for this effect that they cause all ginnellis be opened, stackes cassin in, the victuall presented to the mercat and sauld to the lieges, as the saids shireffs, judges and magistrats will answer to his Majestie and his Counsell upon the dewfull executioun of thair office."

"Forsameckle as it is understand to the Lords of Secret Counsell that upon occasion of the burning of the hous of Fendraught and of the cruell and deplorable death of the Lord Melgame, the Laird of Rothemay..."
and others being that intill for the tyme, one number of brookin Hailand-men and others disorderlie persons, being readie to take hold of and embrace anie cullourable pretext for a cover to thair theevish and unhappie trade of lyfe they have (induring the dependance of the tryell how and be whome the said fire was raised) made severall incursions upon the Laird of Fendraucht his lands and possessiouns, takin sindrie heirships furth of the same and committed diverse others insolent oppressiouns upon his poore and harmlesse tennent, through occasion whairof they ar so terrifit and awed that they are lyke to quyte thair rowmes and leave the said Laird of Fendraucht his lands waist, to his irreparable losse, wracke and overthrow. Whiche being a mater of a most dangerous preparative and exemple and whiche in the consequence thairof (if it be not tymouslie prevented) may import the peace and quytetnes of that part of the countrie, and whereas lykewayes it concerns his Majestie in justice to forse and provide for the indemnifie of his peaceable and lawbying subjects, thairof the saids Lords ordains letters to be direct charging heraulds, pursuants and messengers of armes to pas to the mercat croces of the heid burrowes of the shire-domes of Aberdeene, Inners, Bamb, Narne, Eligne and Forres, and others places needfull and there be opin proclamation and by sound of trumpet to command and charge the shireffs of the saids shireffdomes and their deputys and all and sindrie noblemen, barons and freeholders within the saids shireffdomes that upon hearing of the cry or upon notice to be givin unto thame of anie heirship or depredatioun to be lifted or committed within the said Laird of Fendraucht his bounds and passing through thair lands, they and everie ane of thame within thair awne bounds and juridicioun readilie rise, concurre, fortifie and assist the said Laird of Fendraucht his saids tennent in the persute, following and recoverie of the saids goods and apprehending the persons takers thairof and presenting thame to justice; and that they contribute thair best care, diligence and helpe for securing the said Laird of Fendraucht his tennent and servants and protecting thame frome suche lawlesse outrages and oppressiouns in tyme comming, as the saids shireffs and others respective foresaids will answer upon the contrarie at thair highest charge and perrell.”

[Sederunt as recorded above.]
pearing by Mr. Johne Rollock, Commissary of Dumblane, her procurator, and the defender not compearing, the Lords ordain him to be charged to enter into ward within the Castle of Blacknese, and to render his houses upon pain of forfeiture.

Complaint by Alexander Cochrane of that Ilk, as follows:——The complainer undertook to relieve John Knox of Ramferlie at the hands of his creditors of the sum of 22,000 merks, and Knox gave the complainer a discharge duly signed. This discharge was in the complainer’s possession on 2nd April instant, when John Knox earnestly desired inspection of it. The complainer, esteeming Knox a gentleman of good credit, and looking for no unworthy action from him, produced the discharge, whereupon Knox violently snatched it out of his hand, tore it in pieces, and so destroyed it, intending thereby to bring the complainer under the danger of paying the 22,000 merks. Pursuer appearing, but not the defender, and certain witnesses having been examined, the Lords find the defender guilty as libelled, and so of having committed a very great offence, for which they ordain him to enter in ward within the tolbooth of Edinburgh until order be taken with him, and if he fail to do so, he is to be put to the horn and escheat.

“The whilk day Captane Peter Rollock compeirand personallie before the Lords of Privie Counsell actit and obliest himselfe to compeir personallie before the saids Lords the nixt Counsell day under the paines conteanit in his former act.”

[\textit{Sederunt ut die prædicto.}]

Complaint by Andrew Quhyte, keeper of the tolbooth of Edinburgh, as follows:——On 8th February last Johne Cruickschanke was warded in the said tolbooth by the Laird of Fendrauch and maintained by him there weekly until April instant, but the said Laird will not pay the supplicant’s jailor fee, which amounts to £12 14s. Pursuer and defender both appearing personally and having been heard the Lords ordain the Laird of Fendraucht to pay the said jailor fee of £14 12s. [sic].

\textbf{Charles R.}, Right trustie and right wellbeloved cousin and counsellour, Greenwich, 6th May 1631. Letter from his Majesty requiring that the sheriff court of Forfarr that notwithstanding of tua several
decreetes given by yow for the shireff of Forfarr his holding courtis at our Royal Letters, 1632-33. commodious part of the shire for that purpose, it being seated (as we ar informed) about the midle therof, and the place anciently accompted for holding of the shireff courtis, yitt the present shireff doth hold his courtis at Dundie which (as we ar lykwise informed) is seated in a corner of that shire, whereby our subjectis who must attend at those courtis doe suffer great hurt, contrarie to our royall intentioun; seeing yow have proceading [sic] so farre as to pronounce your decree herein and that we have not hard frome yow nor other wayes any reasone why it sould not have bene obeyed we will not that any of our subjectis contemne or negleet that authoritie yow have from us, our speciall pleasure is that yow take a course that the said shireff and all otheris bearing the lyke charge heirefter hald thair courtis at the said brugh of Forfarr according to your saids decrees and the ancient custome and liberties granted (as we ar informed) to the head brughis of every shire. Se we bid yow heartlie fairweell. From our manour of Greenwitch the fyfte day of May, 1631.

Holyrood
House, 2nd
June 1631.

Sederunt.—Chancellor; S Andrewes; Privy Seal; Wintoun; Acta January
Bugeleuch; Air; Traquair; Bishop of the Isles; Secretary; Fol. 64, a.
Advocate; Sir John Scot.

Letter from his Majesty to the Council consenting that the terms of the Court of Session be not changed till the next meeting of the Estates.

See ante, p. 178.

The whilk day in presence of the Lords of Counsell cempaird personallie Alexander Clerk, provest, with the bailleis and some of the Lords of Edinburgh and gave in the missive letter underwrittin, signed be the Kings Majestie and directed unto the saids Lords, quhilke missive being opened and read in the saids Lords audience, after that the saids provest, bailleis and counsell were removed, and the saids Lords humbelie acquiescence to his Majestis gratious will and directionin mentioned and conteanneed in the said letter, they thairfoir have ordained and ordains the said letter to be insert and registrat in the books of Privie Counsell and to have the force and effect of ane act of Counsell, of the quhilke missive the tennour followes:

—CHARLES R. Right trustie and right weibelovit cousine and counsellour, right trustie and weibelovit cousins and counsellours and right trustie and weibelovit counsellours, we gretit yow weill. We wer pleased of lait to write unto yow that nothing be changed tuicheing the sitting of our Colludge of Justice till our further pleasure wer signified therein; but having now takin into our princelie consideratioun that though some materiall grounds might be proposed for altering thairof, yitt we would doe it so consideratlie and by suche advice as so grave a mater and of suche consequence doeth require. Therefore our pleasure is that yow give speciall order that no innovation be made therein till a Parliament or generall conventiou of our Estates be called by us, wherein amongst other things concerning the publicit good that purpose may be resolved
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upon and ordered as by thame sall be found most expedient. So we bid yow farewell. Frome our mannour of Greenewiche the 6 of May 1631."

"The Lords of Secret Counsell according to ane warrand in writt signed by the King's Majestie and this day presented to the saids Lords has givin and grantit, and be the tennour heirof gives and grants, full power and commissioun to Donald, Lord of Rae, to levey and take up twa thousand men within this kingdome out of all suche persons within the same as he sall find willing to goe with him, and to transport the same over seas for assisting his Majesteis darrest brother, the King of Sweden, he always giving satisfactioun to everie one of the said number as sall be agreed upon betuix him and thame according to the custome in the lyke caiies; with power to the said Lord of Rae to caws towke drummes, display cullours, and to appoint officiers and commanders over the said twa thousand men for the better conduct and government of the same, and all things necessar heeranent to doe and use quhilkis in suche caiies ar usual: Firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin: Commanding heirby all judges, officiers and magistrates to burgh and land to assist the said Lord of Rae, his captans, officiers and commanders in all and everie thing quhilk may forder the leveying and transporting the number of men foresaid. And if any person or persons who sall receave their pay and inroll thameselfes under their charge sall happen thairafter to withdraw thameselfes fra their service that in that caise the said judges doe justice heerin to the said Lord, his captans, officiers and commanders as accords. Follows his Majesteis missive for warrand of the act abone-writtin.—CHARLES R. Right trustie and right weibelovit cousinie and counsellour, right trustie and weibelovit cousines and counsellours, and right trustie and weibelovit counsellours, we gret yow weill. Having beeene moved by our right trustie and weibelovit, the Lord of Rae, in name of the King of Sweden, for transporting some forces frome that our kingdome for his better suppliee in the warres whairin he, at this tyme, is ingadged, our pleasure is that yow grant unto the said Lord or unto arie other whom he sall appoint a commissioun with ane sufficient warrant to levey and transport two thousand men for the purpose abone-said, with als large priviledges as anie generall, colonell or commander hath had heeretofore in the lyke kynde, he always giving satisfactioun to everie one of the said number as sall be agreed upon betuix him and thame according to the custome in the lyke caiies. For doing whairof these presents sall be unto yow ane sufficient warrand. So we bid yow farewell. From our mannour at Greenewiche the fyfth day of May 1631."

"Forsameckle as James Mouat, lait shireff clerk of Berwick, and Patrik Abirmethie, his servant for the tyme, being callit and conveneened before the Lords of Privie Counsell in the moneth of Januar 1630 for
wrytting of four depositions made be umquhilt Alexander Hamiltoun against Dame Helene Arnot, spous to Sir George Home of Manderston, knight, and the said James and Patrik Abirrnethie being particularlie examined and demanded anent the saids depositions and be whome and upon what occasion they wer writtin, and there being great contrarities betuix thame in their depositions, the one, to wit, James Mouat, denying the wrytting thairof and laying the blame thairof upon Abirrnethie, and he constantlie avowing in the said James Mouats presence that he wes the writer of the saids depositions from Hamiltons mouth, in end the said James Mouat after manie denyalls and asseverations upon oath that he was not the writer of these depositions, but that the said Patrik Abirrnethie, his servant, wes the writer of the same, he come to a free and cleere confession that the saids depositions wer written be himselfe, none being present bot he and Hamilton. And whereas ane mater of this importance requires ane forder tryell and examination for the forder discoverie of the truthe thairof, cleerin the innocent and punishing of the nocent, thairfor the Lords of Secreet Counsell ordains letters to be direct charging the saids James Mouat and Patrik Abirrnethie to compeir personallie before the saids Lords upon the day of to be forder examined anent the truthe, forme, maner and circumstances of the mater foresaid, and to underly suche order as saill be takin thereanent, under the pane of rebellion, with certificatioun, etc."

"The whilk day Thomas Jose, compeirand personallie before the Lords of Privie Counsell, actit andobleist himselfe to compeirWhenever he sall be lawfullie charged upon fyftene dayes warning and answere upon his guiltines of burning of the hous of Fendraught, under the pane of fyve hundredth merkes, besides all perrell and danger that otherways he may incurre by absentaing of himselfe."

"The Lords of Secreet Counsell upon good and considerable respects moving thame ordains and commands his Majestis Justice, Justice Clerk and their deputis, to prorogat and continew the crinnall dyet appointed for the tryell of John Meldrum and James Grant anent the burning of the hous of Fendraicht and cruell murder of the Lord Melgame, Laird of Rotheymay and others being within the same for the tyne, untill the fyftene day of Julij nixtocome. And the saids Lords ordains the dyet appointed to the remanent persons before his Majestis Justice tuieching the mater foresaid to desert."

"The whilk day the act and letter underwrittin tuieching the admission of Sir James Gallouay, knight, Maister of Requestis to his Majest for the kingdome of Scotland, to be one of his Majestis Privie Counsell of the said kingdome, being presented and exhibite to the Lords of Privie Counsell and read in their audience, they ordains and ordains the said act and letter to be insert and registra in the bookes of Privie Fol. 65, a."
At his Majestis Court at Whitehall in England the seventh day of Marche, the yeere of God jn:vj and threttie one yeeres, according to the computation of the kingdom of Scotland.

The whiche day by vertew of a commissioun from the Privie Counsell of the said kingdom of Scotland unto the right honourable, William, Erle of Morton, Lord Thessaurar; William, Erle of Monteith, Lord President of the said Counsell; Robert, Erle of Roxburgh; and Sir William Alexander, knight, his Majestis principall Secretarie for the said kingdom, or to anie one of thame with the said Sir William Alexander, commissioners appointed by the said Counsell for admitting of Sir James Gallouay, knight, Maister of Requetis to his Majestie for the said kingdom, to be one of his Majestis Privie Counsell thairof, of the dait at Holyroodhous the twentie day of Januarie in this instant yeere of God foresaid, compeared the said Sir James in presence of the said Thessaurar, President, Erle of Roxburgh and Sir William Alexander and there the said Sir James, having exhibited unto him the sacred bible, they, the saids commissioners, did in a solemn maner minister unto him the two severall oathes of alledgeance and of a privie counsellour accustomed to be takin in the lyke caises, and, after the said Sir James had by his oath acknowledged and promised to be a faithfull subject and servant to his Majestie according to the tenure of the saids oaths of alledgeance and of a privie counsellour, he was by them admitted to be one of the number of the said Privie Counsell. Whereupon the said Sir William required me, James Philp, notar publict at Court, to draw this act or note. In witnes whairof the saids commissiouners and the said James Philp, writter heirof, have heirunto sett our hands. 

[Sederunt as recorded above.]

Supplication by Thomas Kirkpatrik, elder of Cloisburne, and Thomas Kirkpatrik, apparent thereof, his son, as follows:—From their Lordships' recent warrant to them for disposing of their lands to satisfy Bryce Sempill, the said Bryce has found very good effects, as he has now received full satisfaction; and if their Lordships would now grant them a new warrant to enable them to deal with some persons of quality for selling or wadsetting such a portion of their estate as would satisfy the claims of Robert Charters of Kelwod, their other creditor, which cannot well be overtaken before Martinmas next, they hope that no one shall have cause to complain of their honest intention, and that their Lordships shall be no more troubled with them. The Lords grant them their protection until 12th November next.
Supplication by Captain Thomas Home as follows:—During his long absence from the country his affairs have altogether miscarried, and he is now come home to settle them and then to return to his service. His brother, Mr. John Home of Swanseil, is alone able to clear the intricacies of his affairs and must act as factor for the supplicant in his absence, but he is disabled by some civil proceedings from coming to Edinburgh. That his voyage may not prove ineffectual he craves that their Lordships would grant their protection to his said brother for a time. The Lords grant him this until 30th June next.

Supplication by John Tennent of Carnes, as follows:—He has a great desire to relieve himself of the burden of debt under which he lies by selling as much of his land as will effect this, but he must come to Edinburgh for the advice of lawyers and advocates in the matter. This he cannot do without their Lordships' protection. The Lords grant this as Fol. 192, b. craved until 30th June.

"The protectorius grantit in Marche last to Craige Wallace and his cautioners continewed untill the last of Junij instant."

"The protectorius grantit to Blebo continued to the last of this month."

Complaint by Thomas, Earl of Hadintoun, Lord Privie Seal, as follows:—In violation of the laws against the cutting and destroying of green wood, policy and planting, Thomas Stewart in Ersiltoun, and George Lindsey and Walter Scheill there, on December last, went to the said Earl's wood of Sorrolesfeild, and the said Thomas cut three ash trees and six great oak trees and carried them away upon three horses and an ox; at the same time James Thomeson in Ersiltoun cut twelve oaks and birches and took them home to Ersiltoun; on 12th January last James Purves in Ersiltoun cut in the said wood twelve oaks and birches and carried them to Ersiltoun, and at the same time William and Andrew Purves in Ersiltoun cut a great tree and carried it away with them; further, on 7th April last, the said Thomas Stewart, accompanied with the said Walter Scheill and David Burnet in Ersiltoun, cut five great oak trees and carried them away from the said wood; and on 13th April, James Adinstoun in Ersiltoun cut and took away thence two great ash and "allar" (elder) trees. Moreover, the said persons with Mark Home, son of the late Laird of Coldingknowes, John Fisher in Sorrolesfeild, John Kyle called Bastard, and Thomas Purves called Quhytepeill, between the months of December and April last inclusive, cut down great numbers of ash, birch, oak, and elder trees, and disposed of them at their pleasure. Charge having been given to the said Mark Home, Thomas Stewart, Walter Scheill, James Thomeson and Thomas Purves, and the pursuer conp earing personally but none of the defenders, after the examination of several witnesses the Lords find the defenders guilty as libelled and ordain them to enter, within six days after being charged, into ward in the tolbooth of Edinburgh, and there remain until they be lawfully freed.
Complaint by Robert Goddie, merchant burgess of Edinburgh, as follows:—He has been long kept in ward in the tolbooth of Edinburgh by Mr. William Kellie, Writer to the Signet, for not paying him the sum of 1000 merks of principal and the interest thereof, in terms of a bond granted by John Lowrie, merchant, as principal, and the complainer as cautioner. The bond is more than thirty years old, and the complainer is informed that the said Mr. William Kellie has received payment of it; and that, notwithstanding, he has raised inhibition against the principal party, of whom he has full security of his lands. It is therefore out of mere malice that he so treats the complainer, who is a poor aged man of fourscore years, and like to starve in ward. Charge having been given to the said Mr. William Kellie and John Rind, one of the bailies of Edinburgh, and both pursuer and defender compearing, and Kellie agreeing to liberate the pursuer, the Lords ordain the provost and bailies of Edinburgh to put him to liberty, so far at least as he is warded at the defender's instance.

Complaint by Mr. George Black, minister at Dunsoir, as follows:—Complaint by Mr. George Black, minister at Dunsoir, against John Moffat, and Herbert Hannay, servaunt to the said John, for insolent behaviour.

Complaint by Peter Sinclair in Quhytkirk as follows:—On 27th May last, in passing the wood of Preminen, he saw some cut horse-wands, and asked William Arnot and William Knowis, "fosters of the said wod," for liberty to take them away. This, with the consent of Hew Carmichael, chamberlain to James Livingston, owner of the woods, they gave. But, as he was coming out of the highway with the said chamberlain, William Dickson in Beill, accompanied by Alexander Cromie, Robert Fairbrand, Robert Grim, servitor to the said Alexander, and Robert Cromie, to the number of thirty persons, invaded and pursued him for his life, "ragged him aff his hore," wounded him in several places to the effusion of blood, took from him his sword and whinger, his purse with
fifty dollars therein, a ring worth 500 merks, 15s. sterling and other small money, which they still detain. Charge having been given to the persons above complained upon, and the pursuer and all of them save Robert Grim compearing, the case was referred for proof to the deposition of witnesses. These failing to substantiate any part of the complaint the Lords assize the defenders, but ordain them to deliver to the pursuer his sword and whinger which they did in presence of their Lordships.

Counter-complaint by William Dickson in Beill, and James Livingstoun of Beill, his master, for his interest, as follows:—In violation of the laws against cutting and destroying of green wood, etc., on 25th April last Peter Sinclare in Quhytkirk, accompanied by two footmen, came to the said James Livingstoun’s woods of Presminen, and destroyed and carried away a great number of growing trees. In doing so they were accidentally met at Kempshill by the pursuer and others of the complainer’s servants, who modestly inquired of them why they thus violated his Majesty’s laws. Upon this Peter Sinclare drew his sword and made several strokes at the said William Dickson, wounding him on the hand to the effusion of his blood. On the 27th of the same month Andrew Home, brother-in-law of the said Peter, came to the barnyards of Beill, purposely to take some dishonourable advantage of the said William, and threatened to take his life. And on 7th May last the said Peter and Andrew came to Hadinton, where a public market was being kept that day, and eagerly sought for the complainer’s tenants there to have taken their lives. Further, in contempt of the complainer, they cause their friends in the Merse to come riding through his lands and wood foresaid, so as to terrify his tenants and force them to lay his lands waste. William Dickson and Peter Sinclare compearing, and the matter being referred to the probation of witnesses, the Lords find that the said Peter Sinclare took away the wands foresaid from the pursuer’s wood, and drew a sword and struck at the said William Dickson therewith, and for this insolence they ordain him to be committed to ward until he be relieved. They also ordain him to pay two merks to each of the witnesses. Andrew Home, who was also cited but failed to appear, they ordain to be put to the horn and escheat.

Complaint by David Finlasoun, baker in Leith, and Margaret Stevson, his wife, as follows:—On April last they were passing the house of Cristall Johnestoun, skipper in Leith, when, without any cause, the said Cristall came to them and after upbraiding them with “contumelious and disgraceful speeches,” pursued the said David with a drawn dirk, struck at him several times therewith, and when his wife stepped in between them “he gave the honest woman an cruel wound with the durke on the hand whairwith he almost cutt aff her thombe.” The pursuers compearing but not the defender, the Lords ordain him to be denounced his Majesty’s rebel and escheat.
Complaint by Sir David Livingstoun of Donypace, knight baronet, as follows:—He has been in peaceable possession of the teinds of the lands of Skaithmure for several years past, and the tenants thereof having made lawful requisition to him under form of instrument to collect and lead his teinds, as his other urgent affairs hindered him from doing so at the time, he allowed the tenants themselves to lead them on the condition, to which they willingly agreed, that each of them should preserve his own portion thereof safely till the complainer gave direction about the same. The tenants accordingly led the teinds to their barnyard of Skaithmure after that William Mowat, George Groser and Thomas Duncan, the complainer's servants and teind-masters, had delivered the same to them. Nevertheless, Alexander Mure of Skaithmure, being informed of this, resolved by bangsterie and oppression to seize the said teinds, and accordingly on September last he assembled some forty or fifty persons, among whom were William Seller, burgess of Linlithgow, James Mure there, Charles Seller in Stanehous, Sir John Hamilton of Grange, James and George Hamilton, his sons, Mr. Alexander Hamilton, brother to the said Sir John, and Alexander Hamilton, his son, who on horse and foot, armed with lances, jacks, steelbonnets and other weapons, came in warlike manner under silence of night to the said barnyards of Skaithmure, and "kuist the compleaners whole teinds, tred the same with their hors feit, destroyed the most part that aifof and the small remanent they carried away with thame." This was the account the complainers teindmasters fore-said received from the tenants when, on 26th September last they went to carry away the said teinds and found nothing. Charge having been given to the persons above complained upon, and all compearing with the pursuer except the said Alexander Mure (who for this cause is ordained to be put to the horn and escheat), the Lords, after hearing partes, remit to the judge ordinary the trial of the civil rights of parties to the teinds in question, and reserve to themselves the punishment of the wrong done after the discussing of the civil right.

"A misseve from his Majestie tuiching the torturing of Johnne Holyrood Meldrum, the resoluton whereof continewit till the 23 of this instant, quhairof intimationn wes maid to the goodeman of Buckie in name of the Marquis of Huntlie."

"The whilk day M' Williame Edmestoun and M' William Justice, brethrene of the presbytery of Striviling, declarit that the Laird of Skemoore had bene procest for incest with tua sisteris upoun whome childrene wes procreat, and for whilk he had gevin band to satisfe the Church."
Complaint by William Mitchellill, burgess of Selkirk, as follows:—On 1st April last William Currour, Bessie Saidler, his wife, John Dunlop, Robert and William Ker, David Broun and James Wod, younger, all in Lundene, armed with swords, staves and great kents, came to the King's Medowes within the territory of Selkirk and assaulted the complainer and pursued him for his life, “gave him bauch, blae and bloodie straikes in diverse parts of his bodie with thair rungs and stones, speciallie hurt him with ane rung upon the hand to the great effusion of his blood, chais him with great stones to Selkirk, where for saulfetie of his lyfe he was forced to take his hous on his head, quhairupon they kuiat in great stones at the windowes and doores and thairwith hurt and woundit the compleaner and Margaret Mitchellill, his daughter.” The pursuer comparing and of the defendants the said William Currour, Robert Ker, John Dunlop, David Broun, and James Wod, and probation being referred to the evidence of witnesses, who failed to substantiate the complaint, the Lords assoilzie the defenders.

Counter-complaint by William Currour in Lundene and Bessie Saidler, his wife, as follows:—On 5th April last William Mitchellill in Selkirk “violentlie reft ane naig” belonging to the complainer from the lands of Lundene, and the complainer, to know the reason, followed him to the lands of Gatts. When Mitchellill saw him, he directed one of those who were with him to run away with the naig, and he himselfe fiercelie sett upon the honest man, gave him maanie bauch and blae straikes in diverse parts of his bodie, speciallie ane great strake on the forehead with ane forke whairwith he felde him to the ground, brake the forke upon him and with ane splent
thairof wounded him on the brow to the effusion of his blood, and left him lying as deid upon the ground.” Both pursuers and defender compearing, and they and several witnesses being heard, the Lords find that the said William Mitchelhill struck the said William Curror with a fork and fine him £10, to be paid to the said William Curror, and further ordain him to pay 40s to each of the witnesses.

Complaint by Robert Grant, coach harnesser in the Cannogait, and Marie Cooke, his wife, as follows:—On 31st May last Gabriel Blair in the Cannogait came to their dwelling-house there, and putting violent hands upon the said Marie, threw her to the ground and struck her on the body “manie bauche and blae straiikes.” He also took away “and kist” from the said dwelling-house containing money, waits, clothing and other things, valued at over £400. This the said Gabriel did after he had, by William Blair, messenger, poin'd the complainers' house for a sum of £7 alleged to be due by him to Janet Galbraith, his mother, for the rent of the said house, notwithstanding that the complainer had a discharge thereof, which he would not permit the said Marie to look out and show him. Further, he complains that in the lease by the said Janet Galbraith to the complainer of the said house, and which the said Gabriel keeps on behalf of his mother, he has inserted £22 of yearly duty with expenses and registration, nothing of which is contained in the lease delivered to the complainer, and so the said Gabriel, being both writer and notary thereto, has deceived the complainer, a poor ignorant man, who can neither read nor write. Both pursuers and defender compearing, and they and witnesses being heard, the Lords find that the said Gabriel Blair illegally took away the “kist” foresaid without a lawful form of poin'ding, committing thereby “ane great insolence of ane evill and wicked exemple,” and ordain him to replace it and all its contents, until the arrestment made thereupon by Robert Grant be orderly loosed; but they assuizie him from the charge of hurting and wounding Marie Cooke, as the same was not substantiated by the evidence.

Complaint by James Baillie of Park, as follows:—He has been long detained in ward in the tolbooth of Edinburgh for not fulfilling a decree obtained from their Lordships against him by his wife, Katharine Hamiltoon, to secure her in the just half of his lands of Parke, Achtiniber and Corsbasket, for her aliment during their not cohabiting together, and the aliment of her three daughters, and for payment of 1000 merks of debt. Now, the truth is that whenever he was charged in terms of the said decree he made offer to his said wife of the half of his said estate, to be paid to her as follows:—By John Miller, tenant and occupier of a part of the lands of Achtiniber and Parke, fifteen bolts of victual (being eleven bolts of meal and four of ) and six fowls; by that part of the lands possessed by the complainer himself eight bolts of meal and two-and-a-half bolts of beir; by James Hender-
soun, for the lands of Achintibber occupied by him, ten-and-a-half bolls of meal, two bolls of beir and four fowls; by James Dick, two bolls of meal and four fowls; by that part of the lands of Corsbasket sometime occupied by Mr. James Lindsey, and presently by the complainer himself, twenty bolls of meal, six bolls of beir and ten fowls; by Andrew Riddell, £24; by John Arbuckle, three bolls of beir and 53s. 4d. money, and by John Wilkie in Corsbasket, a boll of oats; reserving to the complainer the dwelling-house and yards of Corsbasket; and of these he has signed a perfect assignation and disposition to his said wife, which he will produce. Moreover, the said Katharine is presently in possession of the half of his estate, and yet at the instigation of her friends she intends to utterly undo him by still keeping him under the foresaid horning, so that his escheat and liferent may fall into the hands of Lord Blantyre, his superior. Parties compearing and having been heard, the Lords ordain their first decreit to stand in force in all points, "and for this effect decerns and ordains the said defender [sic] to make, seale, subscrive and delyver to the said perever [sic] ane sufficient reall right be chartour and seasing with sufficient claue of warrandice of her said halfe of his estait and living designed to her be the said decreit of divisioin, and to consigne in the hands of the Clerk of Counsell the haill evidente and writts of his lands, teinds and living upon inventar to remane in the Clerkes hands for the furder warrand and securitie of the said defendar in the peaceable possessioune of her said designed and modified living." Further, the pursuer for the further security of the defender therein becomes acted under a penalty of 2000 merks that he will not molest her, nor her tenants or servants, and will appear before their Lordships whenever charged and answer to any complaint against him by his said spouse. With reference to the burden of eleven bolls of victual pertaining in liferent to John Lindsey in Blantyre and appointed to be paid out of the lands of Corsbasket, the Lords ordain that each of the parties shall pay the equal half thereof during the lifetime of the said John Lyndsey.

Supplication by Sir William Douglas of Cashogill, as follows:—He earnestly desires to free himself of the burden of debt under which he lies, and will gladly sell or wadset so much of his lands as will satisfy his creditors, but cannot come to Edinburgh to consult with lawyers without their Lordships' protection, which accordingly he craves. This their Lordships grant till 1st August next.

"The lyke protectioun grantit to Sir David Livingstoun of Donypace, Johne Livingstoun and David Barclay of Maders, his cautioner, for selling their lands, till the first of August nixtocom." "Another protectioun for the lyke caus grantit to James Kennedie of Blairquhan and Josias Stewart of Ravinstoun untill the said first day of August nixt."
Supplication by John Littill, servitor to the Earl of Nithisdail, as follows:—He has found caution to appear before his Majesty's Justice in the tolbooth of Edinburgh on June instant, to underlie the law for his alleged burning of the house of Mr. David Leitche, minister at Rerrick, and for clearing himself of that unjust charge, but on account of some civil horning he dare not come without their Lordships' protection. This, therefore, he craves, and the Lords grant it to him for four days before and other four days after his trial.

"The Lordis ordains the Laird of Frendraught to be warmit to Thurs.-day nixt anent the three men send heir be the Lord Gordoun and who ar challengeit for airt and part of the heirshippis and depredations committed on Frendraught."

"Ane Act to be past ordaning the Justice to continew the putting of Johnne Ker to the knoulege of ane assise for the slaughter of umquhill Johnne Chalmer till the xxth of this instant, induring whilk tymne ordanis Johnne Ker to be committit to warde."

"The Lordis ordanis the provest and baillies of Edinburgh, the baillies of Mussilburgh and the justicis of peace within the shirefdomis of Edinburgh, Haddingtoun and Beruick, to be warmit anent the overtour maid for mending of the heigh wayes betuix Edinburgh and Beruick."

"Chargeis aganis James Mouatt and Abirnethie his man."
extract of this Act sall be unto the provest and bailleis of Edinburgh and bailleis of the Cannogate ane warrand."

"The whilk day Johne Cruikshanke being exhibite before the Councell be Mr James Lautie, advocat, in name of the Lord Gordoun, and he being demandit what he knowes concerning the burning of the hous of Fendraucht, deponis he knowes nothing thairof. Demandit anent the depositioun made be him at the place of Huntlie upon the tent of May last in presence of the ministers of Gartlie and Kinor anent James Clerk in Pennieburne his seducing and persuading of him to report everie where that Pitcaple, Johne Meldrum, and others thair followers, wer burners of the hous of Fendraucht and anent the others particulars sett doun in that deposition, the said Johne being humbled on his knees and deeplie sworne thereanent depounded that James Clerk never spake with him anent that mater, and that the depositioun foresaid made be him wes false, and that he onelie made the same upon feare; and denyes lykeways upon oath that Lesmore dealt with him at anie tyme concerning the depositions made be him aganis Pitcaple, Johne Meldrum, Richard Mouat and others.

"The whilk day in presence of the Lords of Secret Counsell compeird personallie Johne, Bishop of Murrey, and Mr Thomas Mitchell, commisioner for the ministers within the diocie of Aberdein, and reported to the saids Lords that Patrik Gordoun of Kincragie, James Gordoun of Letterfoure, and Alexander Irwing had satisfied the Kirk in points concerning thair religiuin, and that they wer relaxt fra the sentence of excommunication usd aganis thame for that caus."

"Aennyt our soverane Lords letters direct, makand mentioun,—Fol. 65, a.

Forsameekle as the persons underwrittin, they ar to say, Magdalene Wod, spous to Johne Leslie of Kincragie, Jonnet Wod, spous to Johne Gordoun of Bountie, Marjorie Malcolm, spous to Mathow Alexander in Turreff, Issobell Strauchane, spous to Johne Spence in Bruntstane, and Jonnet Ogilvie, spous to Johne Gordoun at the Myln of Ruthven, ar not onelie profest and avowed papists and excommunicat be the orders of the Kirk for that cause bot with that they ar denounced rebellis and contemptuouslie lyes at the horne unrelaxt, and to the forder contempt of law and justice and of the orders and discipline of the Kirk they ar commoun resetters, hoorders and interteanners of Jesuits and messe preists and of traffiquing papists, heares messe of thame, and otherways lives after ane most scandalous and offensive maner, and by thair ill exemple encourages others to show the lyke resett, supplee and comfort to the saids Jesuits, preists and traffiquing papists; lykeas be the lawes of this kingdome the husbands aucht to be answerable for thair wives and sould make thame answerable and obedient to law and justice: And anent the charge givin to the saids Magdalene and Jonnet Wods, Marjorie Malcolm, Issobell Strauchane and Jonnet Ogilvie, to have compeired personallie, and to Johne Gordoun of Bountie, Mathow
Alexander, Johne Spence and Johne Leslie of Kincragie and Johne Gordoun at the Myyne of Rathven, thair husbande, to have brought and exhibite thame before the Lords of Privie Counsell this present nynt day of Junij instant, to the effect order might be tane with thame for thair excommunicacion and rebellioune as accords, under the pane of rebellioune and putting of the saids whole persons to the horne, with certificatioun, etc., lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof: Quhilkis being callit and Mr Thomas Mitchell, person of Turreff, commissioneer for the diocie of Aber-dein, compeirand personallie; and the saids defenders being oft tymes callit and not compeirand, the Lords of Secret Counsell have ordained and ordains letters to be direct charging officiars of armes to pas and denune thame our soveranne lords rebellis, and putt thame to the horne and to escheit."

"Anent our soveranne lords letters raised at the instance of Sir Thomas Hope of Craighall, knight barronet, Advocat to our soverane lord, for his Majesteis interesse, makand mentioun, that where upon the twentie, twentie twa and twentie sevin dayes of Julij last William Fraser of Craigtoun, Alexander Irwing of Bellie, in name of Issobell Irwing, his spouse, Alexander Leslie in Gowall, excommunicat rebellis, and George, Lord Gordoun, compeirand personallie before the Lords of Privie Counsell in name of the goodwife of Letterfoure, actit, band and oblieit thame that betuix and the fyftene day of September last the saids William Fraser of Craigtoun, Alexander Leslie in Gowall, and the goodwife of Letterfoure, and the said Issobell Irwing after her recoverie of hir childebirth, and everie ane of thame, sould conforme thameselfis to the religiou presentlie professed and be law established within this king-dome, and failyeing thairof that betuix and the said day they sould depart and pas furth of his Majesteis dominious and not returne againe within the same without his Majesteis licence had and obtainted to that effect under the pane of fyve hundreth pundis and perpetuall imprisonment, beside the forfeityure of the modificatioun allowed unto thame out of thair livings; and that in the meane tyme they sould not resssett Jesuits, seminariie nor messe preists nor heare messe under the said pane of fyve hundreth pundis, as the particular acts made to this effect insert and registrat in the bookes of Privie Counsell at lenthe beirs. Notwithstanding thairof, and that the termes abonewritten be now of a long tyme bygane, yitt they, mocking the course of justice, doe still abide within the countrie obstinatlie professing thair erroneous opinions and exercising thameselfes in thair idolatrous services to the offence of God and scandall of the Kirk; quhaithrow they have violat and contra-venned the saids acts and not observed nor kept the same conforme to the tennour thairof; and thairfor the saids excommunicat rebellis, and the said Alexander Irwing as undertaker for his said spous, and the said Lord Gordoun as undertaker for the said goodwife of Letterfoure,
aucht to be decerned to have incurred and to incurre the panes conteanit thairin, and letters and executorials aucht to be direct aganis thame for payment thairof in forme as effeiris. And anent the charge givin to the said William Fraser of Craigtoun, Alexander Leslie in Gouell, Alexander Irwing in name of his said spous, and George, Lord Gordoun, as under-taker for the said goodwife of Letterfoure, to have compeired personallie before the Lords of Privie Counsell this present day to have heard and seen it verified and provin as accordis of the law, found, and declared that they and everie ane of thame have violat and contraveened their saids acts and not observed and keeyed the same, conforme to the tennour thairof, and thairfoir to have heard and seen thame and everie ane of thame decreed and ordained to have incurred and to incurre the panes conteanit in thair saids acts and letters and executorials to be direct aganis thame for payment thairof, in forme as effeiris, with certification to thame and they falsified the saids Lords would find, declare, decerne and ordane in maner foresaid, lykeas at mair leulth is conteanit in the saids letters, executious and indorsations thairo; quhilk being callit, and the saids Sir Thomas Hope, his Majesteis Advocat, compeirand personallie with Mr Thomas Mitchell, commissioneer for the diocese of Aberdein, be whome it was alledged that the saids excommunicat rebellis had nather conformed nor departed the kingdome conforme to the saids acts, and the saids defenders being oftymes callit and not compeirand, the Lords of Secret Counsell finds and declares that the saids defendants and everie ane of thame hes violat and contraveened their saids acts and not observed nor keeyed the same conforme to the tennour thairof and thairfoir decrenes thame to have incurred and to incurre the panes conteanit thairin, and ordains letters to be direct aganis thame and everie ane of thame for payment thairof in forme as effeiris."

[Sederunt as recorded above.]
dolour and extreme perrell of his lyfe." They also wounded the said James with their swords upon the head, left hand, elbow and other parts of his body, to the great effusion of his blood and peril of his life. Charge having been given to the persons complained upon, and James Paterson counternown for himself and his father, and Robert Smith counternown for himself and in name of the other defenders; and parties having been heard, the Lords find that the case has already been tried before the sheriff of and his deputys, and that the said Robert Smith was convicted of "hurting and blooding" of the said James Paterson, and fined £50 therefor, which went to the said sheriff and his deputys; but inasmuch as there was no satisfaction given to the pursuers, the Lords ordain Robert Smith and the other defenders to pay to them 100 merks before 10th July next. Failing punctual payment, they ordain the said Robert Smith for himself and in name of the other defenders to pay them £100 precisely at Lammas next. They further ordain both parties to find caution in £100 for each other's indemnity; and the defenders to deliver up to the pursuers their weapons.

Complaint by Mr. Roger Mowat, advocate, as follows:—On 13th August, 1622, John Carruthers of Holmendays, was put to the horn at the instance of John Fliwer, burgess of Edinburgh, for non-payment of 500 merks of principal, with interest thereof and expenses, and 50 merks, contained in two bonds made thereupon, which bonds Fliwer assigned to the complainer; but Carruthers pays no heed to the said horning. The pursuer counternown by Andrew Ritchie, his servant, but Carruthers, though cited as defender, not counternown, the Lords ordain letters of caption to be issued to the Steward of Annerdaill and his deputys against him.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and William Trotter in Blaikburnerig, the party grieved, as follows:—In contravention of the laws against wearing of hagbuties and pistoils on 17th May last, while the said William was attending his business beside the ground of Blaikburnerig, alone and unarmed, Uthrid M'Dougall of Mondurke came riding upon horseback towards him with a hagbut in his hand, accompanied by Adam and Alexander Paxtoun, his servants, who were armed with swords. When he came near, Mondurke lighted off his horse, "bendit his hacquebutt and presented it to the complainers face intending to have shott him throw the head, but he having started aside, he shott him throw the thigh," in which he left five and twenty drops of lead, and caused great effusion of his blood. He further gave the complainer a great many strokes with a drawn sword in several part of his body and would have slain him if some persons had not seasonably come to his relief. The pursuer counternown personally but none of the defenders, the Lords ordain the latter to be denounced and escheat.

Supplication by Patrick Dickson, servitor to the Earl of Angus, as follows:—Their Lordships put the said Earl under caution in 5000
merks to exhibit the supplicant before them within fifteen days after Whitsunday, so that he might either give satisfaction to the Kirk with regard to his religion, or quit the said Earl's service. Since that time the supplicant "hes beene a verie frequent hearer of the word and hes conference at sindrie tymes with the minister of Douglas and others of the presbyterie of Lanerk for his resoluciotn in some doubts and scruples of his religioun, qhhairin he hes receaved satisfactioun in some points and hopes by forder conference to come to forder resoluciotn; and the ministers of the presbyterie of Lanark ar reasonablie well satisfied with him." He therefore craves that their Lordships will continue the term for his exhibition till next Martinmas. The Lords do so until Michaelmas next.

"The Lords ordain letters to be direct chargeing Frances Douglas, brother to the Earl of Angus, to compeir personallie upon the day of to answer enant taking of the house of Caddoll."

"The qhilk day Thomas Gordoun in Corridoun actit himself to compeir personalie befoir the Counsell upon Twisday nixt under the pane of tua thousand merkis, and he designit James Gordoun, writter, his house, to be his ludgeing house."

"The Lordis ordainis Johnne Cruikshank to be putt to ane assise upon Mononday nixt, and requestis the Bishop of Dunblane, Mr Andro Ramsay, Mr William Struthers and Mr James Houme, ministeris, or ony one of thame to confer with him as they sall haif occasioun befoir his deathe for the better preparing of him towards his deathe."

"Ane commissioun ordait to be past to the baillies of Kirkaldie, Sir George Hamilton of Blackburne, the Laird of Finmout, and James Boissual of Balgonie, or ony tua of thame for putting of Margaret Broun to ane assize for mordouring of hir awne bairme."

"Ane Act ordaining the chargeis bestouit upon the prosequestiouit of his Majesties lawis aganis the excommunicat rebellis in the north to be payed out of the first and reddieest of thair fynes."

"CHARLES R. Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, and trustie and welbeloved counsellours, we greet yow well. Wheras we have bene moved upone the inclosed petition for givinge way to erect lightis upon the Skairheadis as a purpose expedient for preventing of shipwrakis thereaboutis, within respecting the good and saifit of our subjectis we ar hereby pleased to remit the consideratioue of the petitione unto yow, that haweeng perused the same and hearkened to what cane be further proponed to yow touching that purpose yow may resolve if there be any expedienccie for erecting of those lightis and of the meanes and wayes to keep the same, and if yow find it necessarie and a willing-ness of such of our subjectis (as ar most interested therin) to pay such a dutie to the same as yow and they can best condiscend upoun, that a patent be drawen up from our signature here or to pas our cachett
there, as yow shall think fitt for the petitioner, and that for suche number of yeares for suche a dutie to be imposed according to the ships burdene and such other limitationes and provisiones as yow shall think fitt to prescrive for the guid of our kingdome and saiftie of our subjectis. So we bid yow fairwell.  From our Court at Greenwitch the nth day of June 1631."

"CHARLES R. Right trustie and right welbeloved cusin and counsellour, right trustie and welbeloved cousins and counsellours, and right trustie and welbeloved counsellours, we greet yow well.  We being moved upone the inclosed petitioun bearing a motion for keeping cleane the River of Forth were the rather pleased to hearken thairunto in respect the petitioner desirith to proceed no further in that purpose then what salbe thocht necessary by persones knowing how necessary it is to put the samyn in practise or yow shall think meete to prescrive, oure pleasuir is that yow consider of the petition, and if yow find what is thereby demanded fitt to be granted, that yow without the petitioners further troubling of us authorize him and his partners to proceed therin for such tyme and after such maner and provisionis as yow shall think most expedient for the encrease and guid of trade within that river, he having such fitt allowance for performance thereof as yow in your judgementis shall think requesite.  Which recommending to your care, we bid yow fairwell.  From our Court at Whitehall the nth day of June 1630."

Sederunt—Privy Seal; Wintoun; Bishop of Dunkeld; Bishop of Holyrood House; 14th June 1631.

Ros; Bishop of Dumblane; Bishop of the Iles; Secretary; Advocate; Justice Clerk; Scottistarvett.

"Forsameele as thir foure yeeres bygane the commissioners of the kirks within the diocesis of Aberdine and Murrey hes beene forced to attend before the Lords of Secret Counsell at diverse tymes yeerelie the saids yeeres for prosecuting his Majestis lawes aganis the Papists, jesuits, seminarie and messe preists within the bounds of the said dioces, lykewise all acts and charges of horning, treasoun, captioun and others of the lyke nature direct aganis the saids jesuits and papists hes beene used and execute upon the charges and expenses of the bishops and ministers of the kirks within the said dioces, for the quhilk they wer forced to make yeerelie collections for defraying of the saids expenses and mainteaning of their commissioners during their attendance before the Counsell; and the saids Lords finding it no wayes agreable to equitie nor justice that in the public service concerning the trew religioun and consequentlie the haill bodie of the Estait that the charges and expenses thairof sould be layed upon the clergie within the saids bounds, who, besides the saids charges alreadie bestowed hes lykeways spent thair tyme and beene
withdrawin from their kirks in attending his Majestie's Counsell for the prosecution of that business, therefor the saids Lords ordains the commissioners for the dioces of Aberdein and Murrey to give in a perfyte and trew note to his Majestie's Thesaurar and Deputie Thesaurar of the hail charges and expenses that hes beene bestowed in this service and quhilk they ar to bestow on the present dispatches whilk they have frome the saids Lords, and ordains his Majestie's Thesaurar and Deputie Thesaurar to make payment to the said clergie of the saids charges and expenses out of the first and readiest of the fynes and penalties alreadie decerned or to be decerned againis anie persons within the said dioces for maters concerning the religiou and others things depending thair- upon, anent the payment whairof the extract of this act sall be unto the saids Thesaurar and Deputie Thesaurar ane warrant."

"The whilk day in presence of the Lords of Secretie Counsell comm. "

peired personallie Thomas Gordoun, brother of James Gordoun of Letterfoure, and actit and obleist himselfe to enter in conference with his ordinarie pastour betuix and the beginning of the nixt moneth of Julij, and that he sall continew and heare conference twice in the weeke, if he be required, for the space of sax weekes; and if during that tyme he cannot be moved to reipare to the kirk for hearing of the Word that than he sall compair personallie before the Lords of his Majestie Privie Counsell upon the first Counsell day of November nixtocomme for receaving of thair furder will and pleasure concerning him; and that in the meanetyme he sall carie himsele soverlie and modestlie without giving occasion of offence or scandall to the Kirk, under the pane of ane thousand merke in caise he failzie in anie point of the premisses."

"Forsamekle as the Lords of Secretie Counsell ar informed be the commissioners of the dioces of Aberdein and Murray that the Lords holie Sabbath is verie farre profanned and violat within the saids bounds by messingers of armes, shireffs and commissars officiers and others of that sort, who being employed be parteis to execute thair letters and precepts they keepe the same up to the Sabbath day, and neglecting the lawfull and ordinarie forme of executioun of the saids letters and precepts they execute the same at the kirk doore in tyme of divine service, quhairthrow the ministers of the kirks ar interrupted and hindered frome the exercise of thair calling, the parochiniers fearing that some of these executions concerne thame ar drawin out of the kirk to learne and heare what they ar, and the hearts of all the good people within the said parishes ar grieved, to the great offence of God, scandall of the Kirk and contempt of all good order. For preventing of thilk abuse in tyme comming the Lords of Secretie Counsell ordains letters to be direct to command, charge and inhibite all and sindrie messingers of armes, shireff sand commissars officiers, and all others of that sort, be opin proclamatioun at the mercat croces of Abirdein, Bamf, Elgine, Forres and others places neidfull, that none of thame presoome nor take upon hand
to execute anie letters or precepts of whatsoever nature or qualitie
upon the Sabboth day, except onlie warnings for removing and redemp-
tioun of lands, inhibitioouns of teinds, warnings to compair before the
Commissioners for the Surrenders and Teinds and charges of horning
quhills be the warraud thairof ar ordained to be execute at parish kirks,
discharging thame thairof and of thair offices in that part, and forder
under the pane to be punished in thair persons and goods at the arbitre-
ment of his Majestie Counsell."

[Sederunt as recorded above.]

William Crawfurde in Meeke Govane compears and becomes cautioner
in 1000 merks that Mr. Alexander Wodcrop in Carnetoun will not
molest James McNair in Meeke Govane and John McNair, his son, nor
their wives, families and household.

Mr. Alexander Wodcrop in Carnetoun becomes cautioner in 1000
merks for William Crawfurde in Meeke Govane to the same effect.

Matthew Wallace of Achans becomes cautioner in 1000 merks for Sir
Walter Stewart of Minto to the same effect.

Patrick Gaw McFarlane in Glasgow becomes cautioner in 1000 merks
for James McNair in Meeke Govane, and John McNair, his son, that
they will not molest William Crawfurde in Meeke Govane nor his wife,
family and household.

Mr. John Elphinstoun in Leith becomes cautioner in 500 merks that
Ludovick Fouller, porterion of Restalrig, will not molest Alexander Hay
in Leith, nor his wife, family, and household; with clause of relief by
Fouller in favour of his cautioner.

Ludovick Fouller, porterion of Restalrig, becomes cautioner in 300
merks for John Sinclare, his servant, to the same effect.

John Kells, indweller in Leith, becomes cautioner in 500 merks that
Alexander Hay in Leith will not molest Ludovick Fouller, porterion of
Restalrig, John Sinclare, his servant, nor their wives, children or tenants;
with clause of relief.

Complaint by Alexander Hay, now in Leith, as follows:—On Monday
last he was with the minister and several honest men in Leith at the
lykewake of a gentlemowman, called Susanna Mortoun, and having
remained there until 12 o'clock at night he went home in company of
certain of the said honest men. Thereupon Bernard Lindsey, now in
Leith, armed with a pair of pistols and a sword came to him and desired
to speak with him in a friendly manner, as he alleged, but he very
treacherously assailed him, and would have slain him if the complainer
had not closed with him and disarmed him of his sword. On 8th June
instant John Rae, officer to the bailies of Leith, cited the complainer
before the said bailies for the following day under the penalty of £1000,
but when the complainer craved a copy of the summons that he might
know for what he was to be indicted, it was refused. The complainant, *Decreta, March 1631.*
therefore, believing that this citation was *super inquiritudis,* and so illegal, *April 1632.*
did not appear, as it is notorious that he received a notable wrong at the command and direction of the magistrates of Edinburgh and Leith and that they cannot, on that account, be lawful judges to him. *Charge*
having been given to Alexander Clerk, provost of Edinburgh, and Andrew Simpsoun and Gilbert Achesoun, two of the bailies of the said burgh, for themselves and in name of the remaining bailies, and Gilbert Williamsoun and John Inglis, bailies of Leith, and these persons and the pursuer comparing, they represented that of late there having been some breach of the peace between the pursuer and Bernard Lindsey in the town of Leith, they summoned both parties before them to find caution for keeping the peace; that Bernard Lindsey obeyed, but as the pursuer did not, they fined him £20. The Lords, after hearing parties, find and declare that the provost and bailies of Edinburgh as barons of Leith, and sheriffs and justices of the peace within their own bounds, have good right and may justly charge “the supplicant, who dwells in Leith,” to find caution for keeping of the peace, especially after there has been a riot; and they remit him to the bailies of Leith, ordaining him to find caution in the town books of Leith for keeping the peace under a penalty of 500 merks.

Complaint by Andrew Andersoun, hatmaker, burgess of Edinburgh, *as Fol. 206, b.* follows:—On 13th June instant he was standing at his booth door doing his business, when John Mitchell, one of the officers of Edinburgh, who alleged that he was employed by James Narne, burgess thereof, to execute an act of warding, violently seized the complainant, “dumped him with his hands on the breast, he being ane old sickle man, and harled him up the streit to the tolbuith.” The complainant showed him a suspension against the said James Narne as yet undispatched, and he also showed it to Nicol Udward, one of the bailies of Edinburgh, but they refuse to acknowledge it, and still keep the complainant in ward, to his heavy hurt and prejudice. *Charge having been given to the said Nicol Udward and William [sic] Mitchell, and the pursuer comparing by Margaret Craig, his wife, and the said John Mitchell also appearing, but not Nicol Udward, the Lords, after hearing parties and witnesses upon the showing of the suspension, find that the said suspension, duly executed and indorsed, was produced and shown to the said John Mitchell, who, notwithstanding thereof, carried the complainant to ward wrongfully, and they accordingly ordain the provost and bailies of Edinburgh to liberate the pursuer until the reasons of the suspension are discussed.*

Supplication by Andrew Wardlaw, son of the deceased Mr. Patrick Wardlaw of Torrie, as follows:—Their Lordships, commiserating the supplicant’s hard estate, how that his father left nothing but a heavy burden of debt, and that those who had the care of his education, ignorant of this, had him served heir to his father, whereby he was in daily fear of caption at the hands of his father’s creditors, granted him their
protection until he was twelve years of age. This is in accordance with their Lordships' practice towards minors, so that they may not suffer in their education on account of their father's deeds. As this is the principal and only season in which he can profit in literature and learning he craves an extension of their Lordships' protection. This the Lords grant until he attain the age of fourteen years.

Complaint by William Blair, messenger, as follows:—On 6th June instant he was employed by John Lowrie, servitor to John Hamilton, apothecary, and Mr. Robert Broun of Pitcanie, to point the goods of John Douglas in Pentland, and in obedience to his Majesty's letters thereof went he to the stable of James Blaikie in Edinburgh, and apprehended a brown horse and a brown mare there belonging to the said John Douglas. Having taken them by the head to lead them to the cross for apprising them, the said James Blaikie, stabler, violently took them from him, and though the messenger warned him to desist, and charged him to concur in the execution of his Majesty's letters, he refused and would have riven the letters, saying that in spite of any warrant whatsoever he would keep the said horse and mare, and that he would avow and abide by the said defacement. The pursuer complaining but not the defender, the Lords ordain him to be put to the horn and escheat.

Complaint by John Kilgour, younger, officer to the Commissariat of Aberdeen, as follows:—On February last he was assisting John Chalmers, messenger, in pointing a horse belonging to Robert Anderson in Kintore, and the horse having been placed in the charge of the complainant, James Irving, servitor to the said Robert, came at his command to the complainant and threatened to strike him and the said messenger to the heart with a whinger if they did not abandon the horse; and gave the complainant a stroke on the hand, cutting two of his fingers and his thumb to the great effusion of his blood. Then the said Robert took the horse, and, putting his servant upon it, caused him to ride off with it. The pursuer complaining by Mr. George Heriot, servitor to Mr. John Paip, elder, but neither of the defenders, the Lords ordain them to be put to the horn and escheat.

Complaint by Robert Johnstoun in Middlegill and William Hamilton in Ellitschaw, his cautioner, as follows:—About four years ago the said Robert lived on the lands of Over Cleuch pertaining to William, Earl of Angus, and the levies for Denmark, being then in hand, the said Earl burdened him to furnish some men, which he would willingly have done but could not, because his sons were not sufficiently grown, and his servants were so useful to him that he could not, without his great hurt, lose them. For this cause the Earl conceived a hatred and grudge against him, and because he could not directly injure him he resolved to do so under colour of justice. He accordingly cited him in appearance at a justice court to be held at Dowglas Castle on a charge of super inquiritandis, and although this was an illegal citation, yet conscious of his innocence.
of any crime the complainer freely entered himself at the said court and offered himself for trial on any charge that could be preferred against him. The said Earl, however, having nothing to lay to his charge, dismissed him, after taking the said William Hamilton as cautioner for his re-entry upon a new summons. Thereafter the complainer removed himself from the said Earl's lands of Over Cleuiche, to the lands of Middle-gill in Annerdaill belonging to the laird of Johnestoun, where he has now dwelt for the past three years, and so outwitt the jurisdiction of the said Earl; yet he has caused his said cautioner exhibit him of new at a justice court held at the Castle of Dowglas on 21st April last upon a similar general charge, and intends to proceed against them, although the complainer is not under his jurisdiction, nor is he one of his removable tenants, against whom the said Earl has lately purchased a commission. If any crime can be laid to his charge the complainer has instantly found caution in the Books of Adjournal to compear before the Justice and his deputes whenever lawfully summoned, and he therefore claims that the said Earl should be discharged from all proceeding against him. Charge having been given to the said Earl of Angus, Weir of Achtisfardell, his bailie, and Adam Weir, called of Little Clyde, his procurator fiscal, and the said Robert Johnestoun comparing personally, and the said Earl of Angus by Mr. John Oliphant, his procurator, and having been heard, the Lords grant advocacy of the said pretended action and pursuit of the complainer from the said Earl and his bailies to the Justice General and his deputes, and discharge the said Earl and his bailies of all proceeding against the pursuer and his cautioner until the said pretended libelled pretext be presented before their Lordships, and the pursuer be warned to its production.

"The quhilk day the Earle of Wintoun undertooke to caus the bailies of Mussilburgh meete with the town of Edinburgh upoun Mononday next to confer and treate anent the reparatioun of the his wayes."

"Frances Douglas ordnait to be warnit to Thrusday nixt anent the house of Caddell."

"CHARLES R., Right trustie and right welbeloved cousin and counsel- lour, right trustie and welbeloved cousin [sic] and counsellours, and right trustie and welbeloved counsellours, we greet yow well. Being informed of the crewell slaughter of Williame Grhame, brother of our trustie and welbeloved servant, Sir Richard Grhame, knycht and barronet, committed by some of the Irwingis in the Borders of that our kingdome, whiche we seriouslie require to be tryed and exemplarily punished with all possible diligence, according to the lawes of that our kingdome, oure speciall pleasuir is that you see justice executed upoun all such personis as shall be found to have had ane hand in that mutrur, or anywise assistearie therunto and to that effect (if upoun citatiioun they doe not appear) that yow grant such commissioun as the partie interested shall lauffullie
require for the more speedie apprehensioun of the malefactours. Which speciallie recommending unto your care we bid yow farewell. From our manour at Greenwith the fourtene day of June, 1631.

Sederunt—Privy Seal; Bishop of Dunkeld; Bishop of Ros; Bishop Holyrood of Dumblane; Bishop of the Iles; Tracquair; Secretary; June 1631. Advocate; Justice Clerk; Scottistarvet.

"The whilk day Francis Douglas, brother to the Erle of Angus, comeprand personallie before the Lords of Secreet Counsell, promise and undertooke to exhibite Williame Caddell togidder with the keyes of the hous of Caddell this day twentie dayes to be disposed of as the Counsell sall thinke good."

[Sederunt as recorded above.]

Complaint by John, Lord Areskine, against a further lot of refractory tanners [in terms ut ante p. 162] viz., James Mechie in Fechrie, Mechie there, Andrew Smart in Mureak, John Copland in Lethers, Thomas Jamesoun in Boggis, Alexander Hoggis in Arnheid, David Perie there, Walter Walker there, William Davidsoun in Bogsie, Andrew Davidsoun in Smalburne, James Alaster in Aldmylne, George Ferrou in Udoche, Andrew Craig there, William Mitchell in Garnestoun, James Mitchell there, Walter Mitchell in Blacktoun, Andrew Skinner in Bagnos, Alexander Burgie in Castlton, James Watsoun in Tillibradi-leyes, Thomas Paterson in Achogill, Alexander Alschinder in Turreff, Alexander and Gilbert Tailyeour there, and John Chapman there. The pursuer appearing by John Wardlaw, his servitor, but none of the defenders, the Lords ordain them to be put to the horn and esheat.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, and James Crichton of Fendraught, as the party grieved, as follows:—There have been certain oppressions, heirships, depredations and bloodsheds committed upon his lands and his tenants and servants upon the 10th, 16th and 27th days of March and last 5th April by some broken Hieland men at the command of Katherine Forbes, Lady Rothemay, Katherine, Isobel, Jean and Gordon, her daughters, Patrick Murray in Achinmill, George Murrey his brother, Helen Gordoun, their mother, Thomas Meldrum, sometime of Iden, Mr. William Meldrum his son, and Helen Tyrie, wife of the said William. Charge having been given to these persons, and pursuers and defenders comeprin personally, the Laird of Fendraucht passed from the pursuit in respect of Lady Rothemay and her daughters, and Helen Gordoun and her sons, and further declared that he was willing that the criminal diet fixed for 29th July next against the whole defenders should desert, they finding caution for the indemnity of himself and his tenants and servants under such penalties as the Lords should appoint.
Act of caution by Master of Air in 2000 merks for James Crichtoun of Fendraught, that he will not molest Katharine Forbes, Lady Rothenay, nor her children and household; with clause of relief.

Another act of caution by the said Master of Air for the same, in 3000 merks, that he will not molest Thomas Meldrum of Iden, and Mr. William Meldrum, his son, nor their wives and households; with clause of relief.

Act of caution by Thomas Meldrum of Iden and Mr. William Meldrum, his son, each for the other, under the penalties contained in their former acts, that they will not molest James Crichtoun of Fendraught, nor his wife, children nor household, etc.

Act of caution by Master of Air, in 2000 merks for James Crichtoun of Fendraught, that he will not molest John Ogilvie of Milnetoun nor any pertaining to him; with clause of relief.

Act of caution by John Gordoun of Innermerkie in 1000 merks for John Ogilvie of Milnetoun, that he will not molest James Crichtoun of Fendraught, nor any pertaining to him; with clause of relief.

"Ane letter from his Majestie for rescinding the Act of Counsell maid anent the girmelling of victual, the resolwation wherof continewed to Twiday nixt, and the toune of Leethe ordnait to be warnit to that day."

"The quhilk day Mr. David Wedderburne declarit that his Grammer being approvin be the Commissionars for the Burrowis he wald refer himself to the Bishop of Dunblane and Advocaat anent the satisfactioun to be gevin be him to Mr. Alexander Hoome for his interesse in the Grammer."

Holyrood House, 16th June 1631.
Letter from his Majesty anent the storing of victual.
Mr. David Wedderburne and his Latin Grammar.

Sederunt—Hadintoun; Launderdaill; Bishop of Ros; Bishop of Dunblane; Bishop of the Isles; Carnegie; Naper; Tracquair; Fol. 68, a.
Master of Elphinston; Secretary; Advocate; Justice Clerk.

"The whilk day James Mouat, latit shireff clerk of Berwick, comperand personallie before the Lords of Secreit Counsell actit and obleist himselfe to compeir personallie before the saids Lords when ever he sall be charged under the pane of ane thowsand merkes."

[Sederunt as recorded above omitting the Master of Elphinston.]
possession thereof since the death of her said husband "who departed this lyfe upon the sevint of Januarie last, until the nynt of October now bygane, at qhilk tyme she being troubled and visite with ane unexpressible greefe and sorrow for the lamentable and deplorable death of unquhill Johne Gordoun of Rothemay, her eldest sonne," John Gordoun of Innermerkie and Alexander Gordoun, far thereof, taking advantage of this, resolved to put in execution a plot they had concocted against her. Coming to the place of Rothemay and being received therein with "all the showes of freindship and courtesie that the present occasioun could afford, they or ever the said Katharine or anie of her servants wer awar of thame made thameselfes maistres of her hous, ref the keyes of the utter yet frome Williame Finnie, porter, and hes keepe and detaine the said Katharine, her barnes and servants, as prisoners within the hous, suffering nane to have access unto thame nor nane of thame to goe without the yetes bot be thair permissioun and allowance. And upon the sevint day of November last the said Alexander, accompanied with Williame Gordoun, Gilbert Greeve, Alexander Robertsson, Thomas Shearer and James Guild, his and his fathers servants, and who assisted thame in taking and keeping of the hous, having gone to the hunting for thair recreatioun, they closed the yetes of the said Katharines hous, tooke the keyes with thame and locked her and her servants thairin, where they remained in the qualitie of prisoners that whole day; and the said James Gordoun, sonne to the said Katharine, Issobell and Jeane Gordouns, her daughters, wer debarred frome accessse within the hous. And the said Katharine having just caus of feare and suspicioun that they wanted foode, as indeid they had none, she with great difficultie pat a little boy out at the window to make inquirie and searche for thair young sonne, ane young boy of nyne yeeres of age, who as she is trewlie informed, had fasted that whole day and was brought to the verie point of death for famine. And upon the ellevint of October last the saids Johne and Alexander Gordouns and thair complices brake up ane closse almerie wherein the said unquhill Johne Gordoun, her sonne, had his money and writts; and when as the said Katharine fand fault with thair lawlesse and insolent proceedings they threatned to take her lyfe and to harle her out of her bed where she lay for the tyme and to putt her out at the yetts. And upon the twelffe of the said moneth of October the saids persounes violentlie ref and tooke the keyes of her victuall hous and pantry from her pantry man and delvered thame to Niniane Seatoun, thair awne servant, who is fugitive frome the lawes and at the hore for ane detestable murder committed be him at the kirk of Bourtie, and they gave strait directioun and command to the said Niniane to take the charge of the hous and to keepe the keyes in thair name and to misken the said Katharine and her servants. Lykeas they caused him to meddle and intromett with the hall meale, malt, flowre, butter and all other provisioun being within the hous, and to dispone thairupon
to their use and behave. And upon the fourteene of November the said Alexander Gordoun violentlie reft fra Agnes Forbes, servitrice to the said Katharine, the key of her laidner doore, and his servants and complices foresaidis tooke furth thairof the whole beiff, butter and hard fase being within the same. And the same day the said Alexander dang up ane vault doore with his foote, and he and his complices tooke furth thairof all the complainers victualls and furnishing being thairin. And when as she upon occasioun of this extraordinarie usage acquainted be her missive letter her freinds thairwith, the saidis persounis for this only causa in the moneths of October and November last threatned her servants with all kynde of rigour and extremitie becaus they caried the saidis letters from her; and in especiall the said Alexander Gordoun threatened to drowne Alexander and Agnes Kelleis, her servants, for carying her letters to the Marquises of Huntlie. And upon the twentieth day of November last they putt violent hands in the said Alexander Forbes, her servant, who is ane poore, harmele and aged man, caryed him to ane chamber, and with ane sword belt shamefullie, cruellie and unmercifullie belted him to the effusion of his blood and perrell of his lyffe, threatening to make his privie members als great as his head, for carying ane letter of the said Katharines to the Lord Forbes, her brother. And siclyke the said servitour to the said John Gordoun of Innermerkie, at his and his sonnes command, reft and away toke ane of her ky, pastouring for the tyme upon her lyferent lands of Nauchtane; and being imped be the said Edward Ferquharsoun, her servant, the said shamfullie strake and dang the said Edward and gave him ane number of blae and bloodie stakies to the perrell of his lyfe. And since the nynt of October last the saidis John and Alexander Gordouns and thair servants hes medled and intromettet with the cornes being upon the complainers feilds, in her barns and barnyards, and hes destroyed ane great quantitie of the same to her hevye hurt. And not content with all thir shamefull and lawlesse oppressiouns they upon the twentieth sevint day of November last violentlie reft and tooke frome the compleaner the said James Gordoun, now of Rothemay, her sonne, and keepes and deteaneis him, intending now in his minoritie to caus make chois of his curatures at thair humour and accordlingie to make unlawfull disposition of his estait and fortounis in thair favours. And they make ane publict avoval of thair doings, saying that the compleaner and all her kin sall never gett reparatioun thairof.” Charge having been given to the said John, Alexander and William Gordoun, Gilbert Greeve, Alexander Robertson, Thomas Shearer, James Guild and Ninian Seatoun to compear before the Lords, and to the said Lairds of Innermerkie, elder and younger, to produce the said James Gordoun; and the pursuers appearing, viz.—the said Lord Advocate, and the said Katharine Forbes for herself and in the name of the other pursuers; and the defenders, John Gordoun of Inner-
merkie, Alexander Gordoun, his son, and Ninian Seatoun being present, the said John Gordoun declaring he would answer also for William Gordoun, Gilbert Greeve, Alexander Robertsoun and Thomas Shearer (but no appearance being made for James Guild), the pursuer declared that she passed from the whole complaint except the taking away from her of her son by violence, and she desired that their Lordships would cause him to be produced. It was affirmed by the said John Gordoun of Innermerkie "that there was no violence used aganis the said James Gordoun but that he came willingly away with him." The pursuer thereupon referred the truth of this to his oath, and the said John, being sworn, "depounded, grantit and confest that the said James Gordoun come unwillingly away with him." The Lords therefore ordain him to produce the said James Gordoun before them this day twenty days that they may take order for his education as they may find expedient, under the pane of rebellion.

Complaint by James McNair in Meekle Govane, and John McNair, his son, and Robert Neilson and Janet Bartane, his servants, as follows.—On 6th June instant Sir Walter Stewart of Myno, accompanied by William Crawford in Meikle Govane, Mr. Alexander Wodcrob, John Purdoun, and James and Robert Nisbitt, came by way of hame-sucken, under cloud and silence of night, to the said James McNair's dwelling-house, while he was in bed taking the night's rest, and entering therein, violently drew the complainer out of his bed, and, after giving him "manie bauche and blae straikes in divers parts of his bodie, he being ane sickelie aged man past threescore sextene yeeres of age, carried him with them to Glasgow, kept him that night prisoner in the dwelling-house of James Stirling, and next day carried him to the dungeon in the castle where he yet is. The same night they went to the house of the said John McNair, forcibly broke up the doors and searched for him through all the house for the purpose of taking his life, stoggung the beds with swords, daggers and whingers; but missing him they put violent hands on his said servants and carried them away with them as prisoners, they having committed no crime, and these persons having no warrant nor commission to take them. Charge having been given to the said Sir Walter Stewart, William Crawford and Mr. Alexander Wodcrob, and the pursuers James and John McNair compearing for themselves and in name of the said Janet Bartane and Robert Moresoun (sic), and the defenders also compearing, it was stated by them that James McNair was only committed to ward within the Castle of Glasgow because on being desired by the said Sir Walter Stewart, as bailie of the regality of Glasgow, to find caution for his compearance before him on a charge of cutting and destroying green wood and growing trees belonging to the said William Crawford, he refused to do so. James McNair replied that he offered to find caution as desired but that his offer was refused by Sir Walter Stewart, and he
referred the truth of this to Sir Walter's oath. He being sworn denied this, wherefore the Lords assoilzie the defenders. They, however, ordained that the trial of the said James McNair on the charge foresaid shall be pursued before themselves or his Majesty's Justice and his deputies, and discharge the said Sir Walter, as bailie of the regality of Glasgow, from proceeding therein, but without prejudice of the privilege and jurisdiction of the Duke of Lennox as bailie principal of the said regality.

Complaint by Thomas Halyburton, portioner of Dalcove, as follows:—On 18th April last Mark Halyburton, son of John Halyburton of Mertoun, at the special instigation of his said father and of John Halyburton, apparent of Mertoun, his brother, came to that part of the Water of Twed, called Corsheuiche, belonging to Lord Traquair, where the complainer was fishing, alone and unarmed, and assailed him with a drawn sword, wounding him severely upon the nose and also upon the side of his head, to the great effusion of his blood. He had killed the complainer if he had not happily taken the sword from him and broken it. Parties compearing, the Lords after hearing them find that Mark Halyburton drew a sword and hurt the complainer therewith, and ordain him to be warded in the tolbooth of Edinburgh until he be relieved by them, he having confessed the fact, but saying that the injury was caused by the pursuer's own fault. The Lords, however, assoilzie his father and brother, because on the matter being referred to their oath, they denied having hounded out the said Mark.

Complaint by Christian Laing and Andrew Doik at the West Port, her husband, as follows:—On 12th April last Margaret Gledstains at the West Port called the said Christian into her house, and as soon as she entered "gripped her be the throat, rave her hair out of her head, brunt the same with her kercbes and matches in the fire, strake her with feit and hands on the backe and bellie; and James Murrey, spous to the said Margaret, verie cruellie hurt and woundit the honest woman on the backe and others parts of her bodie, so as shortlie thereafter she parted with twa deid childrein, to the hazard of her lyfe." Charge having been given to the said Margaret Gledstains, John Wilsoun and James Murrey, and they compearing, and the said Andrew Doick appearing on behalf of his wife, the Lords after hearing parties and certain witnesses, find that "Margaret Gledstains pulled the kercbe aff the said Christian Layng's heid" and therefore ordain her to enter into ward in the tolbooth of the West Port "the morne at eight of the clocke and to remaine thairin till sax at night," and assoilzie the remaining defenders.

Supplication by Alexander Naper, Burgess of Edinburgh, servitor to the Duchess of Lennox, as follows:—The said Duchess has sent him to this country for the despatch of some business concerning her and the Duke of Lennox, after which he designs to take some course for giving...

1 Here there is interlined "in Corstorphine John Wilsoun."
satisfaction to his own creditors, but he cannot accomplish this without a warrant from their Lordships, which accordingly he craves. The Lords
grant him until the last day of August next.

Complaint by Sir George Ogilvie of Bamff, as follows:—"His pre-
decessors in the tyme of poprie and blinnesse, having at thair awn
charges and expenses caused make some vestiments for the preestes that
served in thair chappellis and at thair altars, and at the alteration of
the religiou within this kinside the preestes who had the keeping of
thir vestiments finding that they had no forder use thairof and that
they durst not avow the having of the same, they delyvered thame to the
compleaneers umquhill goodshir be whome during his whole tyme and
thereafter be his lait father during his tyme they were carefullie and
closelie keepe, and verie few or none knew of thame; and when the
compleaneer come to the administratioun of his effaires and living, finding
thir vestments in his hous and in a closse lockt truncke he had manie
questions and doubts with himselfe what to doe with thame; and in
end he concludit that the keeping thairof was dangerous both to himselfe
and to others if they come in the hands of persouns suspect in religioun;
and thairfoir he resolved to send them out of the countrie to be sauld.
And having delyvered thame to M’ James Strauchane and committed the
trust of the selling thairof to him, and he having done his endeavoure thairin
and finding no mercat for thame beyond sea, he sent thame backe
againe in ane truncke to this countrie; and soone after they wer sett
ashoare the customers seized upon thame, tooke thame to the custome
hous, where they have beene keeped this long tyme bygane." Charge
having been given to John and Robert Fleming and Robert Maistertoun,
tacksmen of his Majesty’s Customs, to compear before the Lords to
receive order to deliver up the said vestments to the said Mr. James
Strauchane, who appeared for the pursuer, and the said John Fleming
also being present, Sir Thomas Hope of Craighall, King’s Advocate, for
his Majesty’s interest “protested that seing the clothes lybellit are popish
and prohibite be the Acts of Parliament and lawes of this kinside,
especiallie be ane Act made in the 1587 yeere of God, and be another
Act made in the 1592 yeere of God, that thairfoir they do appertane
to his Majestie.” The Lords having heard parties, assaiolzie thedefenders
from this pursuit, and ordain “the cloathes and vestiments foresaid to
be cutted, and his Majesteis Thesaurar to dispone thairupon to the best
availl for his Majesteis use.”

[Sederunt as above except the Master of Elphinston.]

“That chargeis be direct at the instance of the Thesaurar and Advocat
againis the Buquhannanis for thair unlawfull convocationun with forbiddin
waponis at the Kirk of Calendar on Sunday last, and for keeping of the
peace in the mean tyme.”
Supplication by Captain John Maxwell, as follows:—He is employed in his Majesty's service under the Lord Marquis of Hamiltoun, and has levied in the northern parts of this realm fifty soldiers or thereby, who have come over the water and are ready to be embarked at the time appointed. It is very expensive to the supplicant to quarter and main-tain these men for so long a time in Edinburgh, the Cannogait, or Leith, and the adjacent towns refuse to receive and lodge the said soldiers at the supplicant's expense unless they are charged by their Lordships to do so. He therefore craves their Lordships' order to the magistrates and inhabitants of Musselburgh to the above effect. The Lords, judging the request reasonable, ordain the bailies, magistrates, and inhabitants of Musselburgh to receive, quarter and lodge the said fifty soldiers on the supplicant's reasonable charges until such time as they are embarked with the rest of the regiment (the said soldiers always behaving themselves dutifully), as they will answer at their peril.

Sederunt ut supra except Laudersaill.

"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 receaved and admitted Sir Robert Ker, knight, to be ane of His Majestie Privie Counsell, lykas the said Sir Robert, being personellie present and acknowledging with all humble and devoutfull respect his Majestie gratious favour shawin unto him in preferring of him to this place of honnour and dignitie, he with all submissive reverence on his knees made and gave his solemn oath of alledgeance and the oath of a privy counsellour. Followes his Majestie missive for warrand of the act abonewritten:—CHARLES R. Right trustie and right weibloviit cousine and counsellour, right trustie and weibloviit cousins [sic], and trustie and weibloviit counsellors, we greti yow weill. Understanding perftelie of the sufficiencie of our trustie and weibloviit Sir Robert Ker, knight, and of his affection to our service, we ar moved in regarde thairof and for his better encouragement and enabling for our said service to advance and promote him to be one of our Privie Counsell of that our kigndome. Thairfor our pleasure is and we doe heibry require yow that, having administrd unto him the oath acustomed in the lyke caises, yow admitt him to be one of our Privie Counsell, receaving him in that place as one of your number; for doing thairof these presents sall be your sufficient warrand. So we bid yow farewell. Frome our Court at Greenewiche, the nthynth day of June, 1631."

"Anent our soverane Lords letters raised at the instance of the provest, bailleis and counsell of Edinburgh, makand mentiou, that where they having upon the sxtene of this instant exhibite unto the Lords of Privie Counsell ane letter from his Majestie conteaining ane declaratioun of his Majestie royall pleasure, that if the saide compleaners sall ratifie the declaratioun conteaining ane decreit recovered be thame before the
Lords of Counsell and Sessioun in favours of the nobilitie, gentrie and others expreast thairin anent the gurnelling of victuall that than the saids Lords without anie forder delay sould annull the act made be thame aganis the said decret of the Lords of Sessioun in so farre as concerned the gurnelling of victuall, as his Majesteis letter foresaid beirias: Qhilk being read and considderit be the saids Lords of Privie Counsell, it wes thair pleasure before they would give ane answere thairto to ordaine the saids compleanners to warne the partie to heare the contents of his Majesteis letter intimation unto thame, qhilk for obedience of the saids Lords they ar content to doe, with protestatioun that the citatioun and warning to be used aganis thame is not to call in question or bring in tryell the validitie of the said decret bot to give notice unto thame of his Majesteis will. And anent the charge givin to James Home, Alexander Hay and George Logane, the three persons aganis whom the compleanners have recovered the said decret, to have compeiried personallie before the Lords of Privie Counsell at ane certane day bygane to have heard and seene his Majesteis royall will and pleasure mentioned in his said letter intimation and signified unto thame, that accordinglie the saids Lords may doe thairin as his Majestie hes directed, under protestatioun foresaid with intimation as effeires, lykeas at mair leith is conteanit in the saids letters, executions and indorsations thairof,—qhilkis being callit and Alexander Clerk, provest, Nicol Udward, Andrew Simsone, Gilbert Achesone and Johne Rind, bailleis of the said burgh of Edinburgh, with some of the Counsell thairof, compeirand personallie and the saids defenders being lykewayes personallie present, the saids persewer produced before the saids Lords ar act under the subscriptioun of M' Alexander Guthrie, clerk of the said burgh, of the dait the fyftene day of Junij instant, proporting that the provest, bailleis, counsell and deacons of craftes of the said burgh be convenied in thair counsell, ratified and approved the declaratioun made be thame before the Lords of Session aganis certane inhabitants of Leith upon the ellevint of Marche, 1630, by the whilk they declared that the chartour grantit to thair predecessours be unquhile Sir Robert Logane of Restalrig and confirmations of the same anent the prohibitioun of gurnelling of victuall in Leith sall be onelie proper and extendit aganis the inhabitants of Leith and sall nowayes be prejudicall to whatsover noblemen, barons, gentlemen and others, his Majesteis subjects who brings or sends victuall to Leith to gurnell the same there, as the said act of ratification beirias. Qhilk act being read, heard and considderit be the saids Lords, and they having lykewayes read and intimation his Majesteis missive letter foresaid to the defenders abonewrittin, who humbelpie acquiesced to his Majesteis royall will and pleasure exprest in the said letter; lykeas the said Alexander Hay for himself and in name of the remanent defenders foresaid consented to the rescinding of the said act in so farre as concernes the gurnelling of victuall; and the saids Lords being well advised with the
said act of ratification, his Majesteis missive letter foresaid and consent abnewrittin of the saids defenders to the rescinding of the said act, the saids Lords of Secret Counsell, in respect of the act of ratification foresaid and his Majesteis missive letter abnewrittin, hes rescindit and annulled, and be the tennor heirof rescinds and annulls the act foresaid made be thame aganis the decreet foresaid of the Lords of Sessioun, but prejudice of anie mans right and possessioun as accords of the law, and ordains the said act to have no forder force, effect nor executioun hereafter. Lykaes the saids Lords hes ordained and ordains the said act of ratification produced be the saids persewers to be insert and registrat in the booke of Privie Counsell, and they have interponned and interpons their auctorite thairto, of the quhilk act the tennour followes:—Apud Edinburgum, decimo quinto die mensis Junij anno Domini millesimo sextcentesimo tricesimo primo. The whilk day the provest, bailleis, counsell of the burgh of Edinburgh and deacons of crafts of the same, being convened, and considering of the declaratioun made be thame anent the ginnelling of victual in Leith and conteanit in the decreit obteanit be thame before the Lords of Sessioun aganis certane inhabitants of Leith of the dait at Edinburgh the ellevint day of Marche, the yeere of God jasvje and threttie yeeres, whairby they declared that the chartour grantit to their predecessours be umquhill Sir Robert Logane of Restalrig, dated the last of May 1398, and confirmation of the same be umquhill King James the Fourth of worthie memorie, with the confirmation past of the same in Parliament upon the day of 1621, yeeres anent the prohibitioun of ginnelling of victual within the towne of Leith and renunciation of the same, sall be onelie proper and extendit aganis the inhabitants of Leith and sall no ways be prejudicijall to whatsoever noblemen, barons, gentlemen and others his Majesteis lieges who brings or sends victual to Leith to sell to ginnel the same there, nor to the saids inhabitants of Leith to sett their sellers and lofts to thame to that effect, but that it sall be lawfull to the saids noblemen, barons, gentlemen and others his Majesteis lieges to ginnel their victual there conforme to use and wount, with provision always that notwithstanding this declaratioun the said chartour grantit be the said umquhil Sir Robert Logane and confirmations of the same sall stand in force and effect aganis the saids inhabitants conforme to the tennour thairof. Whiche declaratioun upon the provisioun thairin conteanit the saids provest, bailleis, counsell and deacons of crafts ratifies and approves, and be thir presents of new declaires, That the said prohibitioun of ginnelling of victual within the said towne of Leith and renunciation of the same sall be onelie proper and extendit aganis the saids inhabitants of Leith, and sall no ways be prejudiciall to whatsoever noblemen, barons, gentlemen and others his Majesteis lieges who brings or sends victual to Leith to sell to ginnel the same there, nor to the saids inhabitants of Leith to sett their sellers and lofts to thame to that effect, but that it sall be lawfull to the saids
noblemen, gentlemen and others his Majesteis lieges to girnelling their victual thair conforme to use and wount, with provisioun always notwithstanding of this declaratioun, the said chartour grantit be the said umquhill Sir Robert Logane and confirmations of the same sall stand in force and effect againis the saids inhabitants of Leith conforme to the tennour thairof. Lykeass the saids provest, bailleis, counsell and deacons of crafts ar content and consents that this thair ratification and declaratioun sall be insert and registrat in the booke of Secret Counsell ad futuram rei memoriam. Extract furth of the register of the Acts of Counsell of the burgh of Edinburgh be me Mr Alexander Guthre, common clerk of Edinburgh, witnessing heirto this my signe and subscription manuall, A. Guthre set."}

"The whilk day the said Alexander Hay, for himselfe and in name of the defenders foresaid, protested that the decreit recovered be the provest and bailleis of Edinburgh aganis the saids defenders sall be no farther extendit in favours of the saids provest and bailleis bot aganis Edinburgh thair awne vassallis in Leith and thair awne superioritieis there; and the saids provest and bailleis protested in the contrarie in respect of thair infetment grantit be the umquhill Laird of Restalrig as being superiour of the haill toun of Leith for the tyme. Followes his Majesteis missive for warrant of the act abowenwritten:—CHARLES R. Right trustie and right weilbelovit counsin and counsellour, right trustie and weilbelovit cousines and counsellours and trustie and weilbelovit counsellours, we greit yow weil. We perceave by your letter unto us that yow have rescindit your act made aganis the decreet obteanned by our burgh of Edinburgh aganis some inhabitants of Leith, except in so farre as concerneth the girnelling of victuall, and as yow have desyerit by your letter, having dewlie considerit the declaratioun made to our Session insert in the said decreit that notwithstanding of the said decreit, it sould be lawfull to anie nobleman, gentleman or others our subjects to girnelli victuall there, except the inhabitants of Leith, and that our said burgh doe not clame anie other privilede than by the lawes of our kingdome is allowed and warrantit by former decreits, it is our pleasure that if our said burgh sall ratifie the said declaratioun conteained in the said decreit made in favours of our nobilitie, gentrie and others expressed in the samine before yow that yow without anie further delay annull the said act in so farre as concerneth the girnelling of victuall also, and leave the free execuition of the said decreit to our said burgh ay and whill the samine be lawfullie reduced before the judge ordinar; and for your so doing these presents sall be unto yow a sufficient warrant. So we bid yow fareweill. Frome our mannour at Greenwich, the second day of Junij 1631."

"The whilk day ane letter being produced from the Laird of Grant Alaster Grant, bearing that Alaster Grant, rebel, wes come to his hous of Ballachastell and wes lying bedfast thairin, his Majesteis Advocat protested that
seing the said Alaster was now in the Laird of Grants power that he Acta January
1631-May 1632.
Fol. 70, a.
sould be lyable to the exhibition of him conforme to the band and under
the pane thairin conteanit."

"The Lords continewes their resolutiloun and answere to his Majestie's Fol. 70, b.
letter concerning the tortouring of John Meldrum till Tuisday nixt that
in the meane tymne the Lord Chancellour may be consulted if or not
James Grant sall be first examined before the said John be putt to the
tortour."

[Sederunt as recorded above.]

Complaint by Helen Thorebrand, as follows:—For over fifteen weeks
she has been detained within the tolbooth of Leith at the instance of
Norman Baptie in Leith for not paying to him £60 which he alleges
she is due; while in truthe she is only due him £10. She is now
driven to the very point of famishing, having no means nor friendship
whereby to procure so much as a loaf of bread. The punishment of her
imprisonment is far in excess of any loss the said Normand has sustained
by her; and conscience and equity both demand that he either sustain
her in ward, or consent to her liberation. The pursuer compeared by
Andrew Henderson, her procurator, upon the 21st instant, and the
defender, also compearing, then alleged that the pursuer was able to main-
tain herself in ward "by her awne vertew and industrie." The Lords
having assigned this 23rd day to the defender to prove this, and the
pursuer again appearing by her said procurator, but no appearance being
made for the defender, the Lords ordain the bailies of Leith to put her
to liberty.

Complaint by William Trotter of Blaikeburnerig, as follows:—He raised Fol. 217, a.
an action before their Lordships against Uthrid M'Dougall of Mondurke
on 9th June instant for carrying unlawful weapons and acts of oppression,
which the said Uthrid disregarded, and was accordingly put to the horne.
(See ante, p. 233.) Now the said Uthrid has suspended this hornng
to 5th July next and meanwhile has lodged a complaint against the
complainer, charging him to answer thereto this day. He thus seeks to
take advantage of the complainer by bringing in his charge before the
complainer's, though it was raised long before his. But the complainer
is ready now to answer both to it and the suspension. Both parties Fol. 217, b.
compearing, and the former process being produced, and William Trotter
being asked if he had any proof to lead against the defender on that
complaint, declared that he referred the matter to the defender's oath.
The defender, having been sworn, confessed that, provoked by some
threatening and contumelious speeches by the said William against him,
he discharged his hacketbut at him and shot him in the thigh. Upon
which confession the Lords find him guilty of a very great offence, and
ordain him to pay a fine of 500 merks, of which 100 merks are to go
to the King, and 400 to the party, and to find caution for payment hereof, and also for satisfying the surgeon employed in the case. If he fail to find the said caution he is to be presently warded in the tolbooth of Edinburgh.

Complaint by Mr. Robert Udnie of Lamington, as follows:—Their Complaint by Lordships know that James Grant took from him by way of stouthreif 8000 merks, of which sum he is informed that Alexander Gordon of Dunkintie at the taking of the said James Grant, meddled with £1200 or thereby, certain letters and papers concerning the money, and a "tasse" and silver spoons taken from the complainer, which were in a bonnet case belonging to James Grant in the house of John Allanach, and will not give them up unless he is compelled. The pursuer comparing belong to the complainer, but not the defender, the Lords ordain him to be put to the horn and escheat.

Supplication by John Gordon of Embo, as follows:—During the late troubles between him and the Laird of Duffus their Lordships were pleased to put him under caution for keeping the peace, for comparing before them on lawful citation, and for not carrying of forbidden weapons. These quarrels are now fully and finally settled, and "they stand under ane perfyte band of peace and freindship and there is also hearthie love inteersteam betuix thame as can be betuix ane gentlemen who ar most strictlie bound in freindship." The bond of caution, registered in the Books of Council and Session, the supplicant produces and craves that as the ground of their Lordships' act is now removed, and he, being now his Majesty's peaceable and good subject, is "resolved during the course of his naturall lyfe to continew in a most submissive obedience to his Majestie and his lawes, and there being no subject within the kingdom with whome he hes now anie querrell, this, his act of caution fore-said, may be discharged. The Lords ordain that the act, so far as concerns his keeping the peace and comparing before them, be discharge, but that it remain in force with regard to his not bearing and wearing of hagbuts and pistols.

Supplication by John Grant of Freuchie, knight, as follows:—He stands enacted in their Lordships' books for exhibition of Alaster Grant, rebel, before the first of July next, under the penalty of re-entering to his ward in the Castle of Edinburgh [ante, p. 201]. He has used his utmost diligence in the search, and the said Alaster, finding that he could no longer lurke nor escape, and being visited with heavy sickness, resolved to yield himself to the supplicant. Accordingly on the 19th instant he was brought to Ballachastell in a litter between two horses, grievously sick, and he now lies in the supplicant's said house "bedfast of a fever," as a certificate produced to their Lordships will show, and he cannot, therefore, be brought to their Lordships at present without the hazard of his life. He craves that their Lordships will continue the diet for his exhibition. This the Lords do until the 15th of July next,
when the Laird of Grant must either produce him or a certificate from the minister of his inability to travel; in which case he must produce him upon the 22d of July, under the penalties contained in the former act.

Complaint by John Ogilvie of Mylnetoun as follows:—The Laird of Fendraucht lately cited him before their Lordships for bearing hagbutts and pistols, and hounding out broken Highland men to commit heirships upon his tenants, and when the case came before them on 16th June instant he was convicted of the carrying of firearms and ordained to compone with the Treasurer thereanent (which he has done), but assoilized from the other part of the complaint. Now, the Laird of Fendraucht has cited him before his Majesty's Justice for the same cause on 29th July next, and equity and justice demand that this diet should be deserted, and he and his cautioner freed from their act for compearance that day. Both pursuer and defender compearing, the Laird of Fendraucht declared that he had very good reason to pursue the complainer before the Justice, as he had not only reset and intercommuned with those who committed the said heirships, but had also offered to convoy the broken men who came down upon defender's lands. If, however, he would clear himself by his oath of these two points, he would pass from his pursuit before the Justice. The pursuer, being sworn, deponed his innocence in these things, whereupon the defender declared that he passed from the said pursuit before the Justice.

Complaint by Patrick Murrey, son of the deceased William Murrey of Cowbardie, as follows:—He was summoned by the Laird of Fendraucht to answer before their Lordships on 16th instant on a charge of taking part in certain heirships committed on Fendraucht's estate, and he came to Edinburgh for that purpose, "but fell sickie upon the day of his compeirance and kepted his lodging that day." He is now ready to answer the complaint, but Fendraucht has summoned him for the same cause before the Justice on 29th July next; and justice and equity crave that if he clear himself before their Lordships the criminal diet before the Justice should desert. Charge having been given to the said Laird of Fendraucht, as defender, and he and the pursuer both compearing, Fendraucht passed from this pursuit both before their Lordships and the Justice, whereupon the pursuer asked instruments. But the Lords ordain both parties to find law-surety each to other, Fendraucht in 1000 merks and Patrick Murrey in 500 merks.

James Crichtoun of Abirerombie, compearing personally, becomes cautioner in 1000 merks for James Crichtoun of Fendraucht that he will not molest the foresaid Patrick Murrey nor any pertaining to him; with clause of relief.

Caution by James Crichtoun of Abirerombie for the Laird of Fendraucht.

Sir Alexander Gordoun of Cluny, knight baronet, compearing personally, becomes cautioner in 500 merks for Patrick Murrey foresaid,
that he will not molest the said James Crichtoun of Fendraught nor any pertaining to him; with clause of relief.

Complaint by William Steill, one of the soldiers of the company of Colonel Alexander Hamilton, as follows:—In April last he enrolled himself in the said company, received earnest thereupon, and his daily wages since as one of the said Colonel’s soldiers; nevertheless Archibald Fisher, merchant burgess of Edinburgh, and several other soldiers in the company of Captain Cochrane, in May last “most crafthie and circumventiouslylie drew the compleaner in to the houst of the said Archibald, under pretence to drinke with him as a fellow souldiour, and after severall drinkings to make him drunke the said Archibald would have him to take arles as a souldiour under the said Captane Cochrane and wold force him to receave ane kardikew, the quhilk he in respect of his prior conditoun, refused to embrace.” The said Archibald thereupon gave false information to the bailies of Edinburgh, and had him warded in the tolbooth of Edinburgh, where he has since remained. Charge having been given to the said Archibald Fisher, and to Gilbert Achesoun, one of the bailies of Edinburgh, to produce the prisoner, and both pursuer and defender compearing and having been heard, and the pursuer having sworn that about the 11th of April last he received arles from John Sinclaire, by whom he “wes tane on” for the service of the said Colonel Hamilton, which the said John Sinclaire, being also present, verified by his oath, the Lords ordain and command the provost and bailies of Edinburgh “to delvery the said William Steill at full libertie out of their tolbuith to Johne Sinclaire.”

“The protectioun formerlie grantit to Mr John Home, brother to Captane Thomas Home, continewed to the last day of Julij nixt.”

“The protectioun grantit to Johne Littill for attending ane criminally persute before his Majesteis Justice continewed to the tent day of Julij nixt.”

“The whilk day James Baillie of Park declairit that he wes content to assigne his bedfellow to the first and reddiest of his ferness in satisfac- tion of xxvj bollis victuall dischargit be him of that pairt and portioun whilk wes alloted to hir yf after tryall it salbe fundin that thair is somuch wanting to hir.”

“The whilk day James Baillie of Park actit himself not to beare hag- butis nor pistollettis under the pane of three hundredth meriks.”

“Most sacred Soverane, Remonstrance being made unto us by ane great number of the saltmaisters and coalemasters of good qualitie of this your Majesteis ancient kingdome for thameselfses and in name and behalffe of the heretours of the saltpanns and coales that there is ane proposition made to your Majestie for limitation of importing in England fromence of salt to ane small quantitie sellable onelie to ane few persouns; there hes also the lyke remonstrance been made to us be

1 Quart d’esc, a French coin, worth about 18d. sterling.
the Provost and Bailleis of Edinburgh for thamselfes and in name of your Majestis whole remanent burrowes of this kingdome and to the same effect with this addition that forrane salt is desired lykewayes to be restrained; we according to the deueteis of our place quhairwith your Majestie hes honoured us and conforme to the trust reposed in us be your sacred Majestie having weighed the complainers just grevances and great interesse of this kingdome in that project, and finding suche ane inseparable and reciprocal dependence betuix salt and coale and their workes (by whiche meanes onelie there is in this kingdome about ten thowsand people dailie interteanned) and that without the benefite of the salt these sumptous water workes and mynes required for maintenance and winning of the coale cannot be uphouldin, and whiche being forsakin but for ane moneth the coale must perish never in anie age to be regaynned, and consequentlie the salt workes for ever, and the number of people foresaid depending upon coale and salt be reduced to extreme necessitie. We have lykewayes weighed how farre this overture both in the said limitation and restraint of forrane salt importe this kingdome in mater of shipping and in commerce and trade by whiche the halfe of our shipping is interteanned, ane great part of your Majestis royall burrowes does live, trade and negociation grately advanced to the increasing of your Majestis customes and good of all your subjects, all which will grately suffer if the said overture sall have further course. Quhairfoir we humble crave pardoun to represent the foresaid inconveniences of this kingdome and the petitioners humble desires to your Majestis gracious and princelie consideratien, and with this our humble opinion that since thir your Majestis kingdomes hes lived long in mutuall unitie, quhiche hes beene by Divine Providence begun in your father of ever blessed memorie, and have beene by your Majestis royall and princelie care mainteanned to the good of both by a mutuall freedome of trade and speciallie of these commodities whiche either of your Majestis realmes doe yeld ather by growth or handie worke, as wes concluded in that treatie of the union, that thairfoir all suche projects as may tend to the interruptioun of that mutuall freedome of trade may be in their beginning repelled, or if anie suche hes takin forder course that their progress and further executioun may be stayed at least until the estats of this kingdome may be heard. So humble submitting the premissis unto your Majestis owin incomparable judgement and fatherlie care of this your ancient and native kingdome, and hoping your Majestie will also prevent the vere beginnings of all suche others devices as may be plotted for the hurt thairof, we sall ever with best prayers and service remane, etc. Halyrudhous, 23 Junij 1631. Subscribitur, Hadintoun, B. Ros, Dumblane, Iles, Carnegie, Naper, Traquair, Mr of Elphinstoun, Arch. Achesoun, Sir Ro: Ker, Sir Thomas Hop, Sir G. Elphinstoun."
"May it please your good lordships, The consideratioun of the within complaints exhibited unto us at the Counsell table hes moved us to write unto his Majestie ane letter, quhairof we doe heerin send your lordships a copie, that both being persued be your lordships as the pryme officers of this kingdome and counsellors to his Majestie, yow may be honourable pleased according to the petitioners humble desire and this our request to represent and assist the same towards his sacred Majestie for his trew informatioun and for preventing suche imminent dangers and losses as may ensue upoun the granting of the overtour and propositionis propounded to his Majestie for limitatioun and restraining of salt; and in doing heirof your lordships may doe his Majestie acceptable service, your countrie good, your selfseis honour, and als oblige us to remaine, etc. Halyrudhous, 23 Junij 1631. Subscrititur ut supra."

Sedunt—Privy Seal; Mairshell; Bishop of Ros; Bishop of Dumblane; Bishop of the Iles; Carnegie; Naper; Tracquair; Secretary; Advocate; Justice Clerk.

"Forsameekle as by the tryell and examinatioun that hes beene tane anent the treasonable fyre raising and burning of M' David Leitch, minister at Dundrennan, his dwelling hous, under silence of night, there is manie pregnant presumptions and diverse contrarieties in the deposi- tions tane thereaenent, and whereas this is a cryme most odious in the selfe and of a pernicious and wicked preparative and deserves exact and cleere tryell, and whereas there is sindrie persons unfit for travell and some other poore people who can give some light and information thereaenent, and manie of thir poore people hes not the meanes to beare their owne charges in comming to this burgh to depone thairin, thairfoir the Lords of Secret Counsell for the ease and releefe of these people hes givin and grantit, and be the tennour heirof givis and grantis, full power and commission to Alexander, Earl of Galloway, and and others to examine witnesses anent the burning of the house of Mr. David Leitch, minister at Dundrennan.

Commission to Alexander, Earl of Galloway, and and others to examine witnesses anent the burning of the house of Mr. David Leitch, minister at Dundrennan.

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same, and to sett doun their depo sitiouns severallie in writt, and to report the same subscriued, sealed and closed to the saied Lords upon the 21 day of Julij nixt, to the intent that after consideration thairof they may take forder order heranent as accords. Firme and stable halding and for to hald all and whatseomewer the saieds commissioners, or anie twa of thame, as said is, sall lawfullie doe heerin."

"Forsameekle as for the better discoverie and tryell of the treasonable fire raising and burning of Mr David Leitch, minister at Dundrennan, his dwelling hous, under silence of night, to the great offence of God and disgrace of the justice of this kingdome, necessar it is that the persons underwrittin, they ar to say, Thomas Lidderdaill of the Ile, James Lidderdaill, appearand thairof, Patrik Foster, burges of Kirkcudbright, Hew Lindsey of Restarell, Johne M'Naught in Ochartoun, Thomas M'Clellane of Coline, Johne M'Clellane, his sone, etc., who ar thought can give some light and information thairanent, be examinad thairupon before the Lords of his Majestie Privie Counsell, thairfoir ordains letters to be direct charging the persons particularlie abonewrittin to compeir personallie before the saids Lords upon the 21 day of July nixt to depone what they know or sall be demandit of thame in the mater foresaid, under the pane of rebellion, etc., with certification, etc."

"The whilk day Johne Litill, servitour to the Earle of Nithisdail, was ordained to find caution for the indemnifie of Mr David Leitch under the pane of ane thousand merkes."

"The whilk day Mr James Baird compeirand personallie before the Lords of Privie Counsell and being demanded upon oath if he knew anie thing of the roll produced and shewin unto him and whilk was givin to the Lord Gordoun conteaining the names of some rebellis and brokin men who had committed the heirships upon the Laird of Fendraught, depouned he knew nothing thairin."

"The Lords ordains the Laird of Fendraught and Mr Roger Mouat to be warned to compeir before the Counsell upon Tuisday nixt to give their oath concerning the said roll and if the roll produced wes that roll whilk wes delveryed to the Lord Gordoun."

"The Lords nominate the Bishops of Rosse and Dumblane, the Advocat, Justice Clerk, and Justice Depute to examine the twa men sent heere be the Lord Gordoun anent the heirships and wrongs committed upon Fendraught."

"The whilk day it wes thought meit that James Grant sall be examined afoir the tortouing of Johne Meldrum, and the Lords appoints the morne at nyne of the clocke in the forenoon for his examination in the laich counsel hous of Edinburgh, and ordains him to be brought doun fra the Castell be the baillieis of Edinburgh, and that nae be suffered to speeke with him be the way; and that warrands be direct to the constable and keepers of the Castell of Edinburgh and to the baillieis of Edinburgh for this effect."
Complaint by William Oliphant, servitor to Thomas McCawley, Writer to the Signet, and son to Harry Oliphant, also Writer, burgess of Edinburgh, as follows:—William Murray, tenant to Nicol Udward, one of the bailies of Edinburgh, alleging that the complainer was due him a sum of money (of which in terms of the bond payment is not due till Whitsunday 1632), dealt with the said bailie, his master, to commit the complainer to prison until he found caution as law would. The said bailie, “misregarding that the compleiner wes ane burges somme and that he hes beene resident within the said toun frome his birth, and lykewise misregarding that he was servant to ane member of the Colledge of Justice, and that the day and termes of payment wer not come, did caus his officiers in publict upon the siet streit seaze upon him in disgracefull maner upon the fyftene day of Junij instant, and committ him to warid within thair tolbuith,” where he remained for six days, until the 21st, when he was forced to find caution. He has thus by this unusual procedure been “prejudged by and attour the losse of his charges of the benefite of his service, being ane young man living upon his handie labours in his maisters service, and so exposed to follow some other course.” Charge having been given to the said William Murrey and the said bailie, and to the former to produce the said bond, and pursuer and defenders compearing, it was affirmed by the latter that the money was payable at Whitsunday 1631, but that the said William Oliphant had “vitiat” the bond by changing 1631 into 1632, and having failed in payment at the appointed term and “being resolved to have left the toun and being upon his flight” the said bailie caused commit him until he found caution. The said William Oliphant being strictly examined, affirmed that the said bond “come never in his hands since it was subscreved,” but was continually in the possession of the said William Murrey, and Murrey and certain witnesses produced by him failing to substantiate the charge of vitiating the bond, although they proved that the term of payment was Whitsunday 1631, the Lords assoisilze the pursuer from this accusation, and remit to Murrey to seek payment of his bond in a lawful way before the ordinary judge. The Lords further find that the said Nicol Udward has done wrong in committing the pursuer to ward, “he being servant to ane ordinarie Writer to our soveraine lords Signet and ane of the members of the Colledge of Justice, having his settled residence and dwelling within the burgh of Edinburgh, and his leaving of the toun not being provin,” and ordain him to pay the pursuer 10 merks for his expenses in ward; and they admonish the said bailie and the rest of the baililies of Edinburgh to forbear the like in time coming.

Complaint by William Bishop in Currie, Elizabeth Ramsay, his spouse, and William Bishop, his son, as follows:—On 23rd November last James
Quhytheid in Currie compeared before their Lordships and enacted himself to remove himself and his family from the dwelling-house in Currie, where he presently remains, at Whitunday last, under a penalty of 1000 merks, and he also enacted himself under the same penalty for the indemnity of the complainers. Nevertheless the said James Quhytheid still remains in the said house and has no intention of removing, and he has also since the date of the said act pastured a cow upon the lands of the said William Bishop, younger. Parties compearing and having been heard, the Lords ordain the defender to place the pursuers in possession of the said house, and so remove himself and family thence within eight days under the penalty contained in his former act.

"The protectioun grantit unto Johne Traill of Blebo for attending the ordering of his uncle's comptes anent the intromission with his estait, continued to the sixteene day of August nixticoome."

Holyrood House, 30th June 1631.

Sederunt.—Hadinton; Linlithgow; Wigtoun; Bishop of Ros; Acts January 1631-May 1632. Bishop of Dumblane; Bishop of the Isles; Carnegie; Naper; Pol. 71, b. Tracquair; Secretary; Advocate; Justice Clerk.

Declaration by "The whilk day Mr William Hog, servitour to Mr Rodger Monat, compeird personallie before the Lords of Privie Counsell, confess and declared that the roll produced in name of the Lord Gordoun conteaining the names of these whooke away Fendraucht's goods was writtin be him at command and directioun of the Laird of Fendraucht and his maister; in regarde whairof and that the names of these twa men whome the Lord Gordoun apprehendit and sent heere to thair tryell ar conteainit in the roll givin to the Lord Gordoun, ordains the Laird of Fendraucht to pay thair charges and expenses since they wer committed to warid, and finds and declaires that the Lord Gordoun hes tane the saids persons upon good ground and warrand and thairin hes done good service, and thairfor exoners him of all cryme and offence that may be imputed unto him for and upon occasion of the taking of the saids twa persons, whois names ar Johne McOlike Martine in Loquhaber and Doull Camranoch there."

Two Highland prisoners to be examined anent the theft of the Laird of Fendraucht's goods.

Holyrood House, 90th June 1631.

Supplication by John Lokhart of Bar, as follows:—He has paid several sums of money for Mr. Matthew Crawfur, and having now come to this country has dealt with the said Mr. Matthew for satisfaction thereof, but all he has been able to obtain is his bond in which he [Sederunt as recorded above.] 

Supplication by John Lokhart of Bar that the Council will not grant protec-
engages not to dispose of any of his property nor leave the country until he has given the supplicant satisfaction, upon pain of perjury and defamation in addition to whatever legal course can be taken against him. He has, therefore, also discharged himself from purchasing any protection from their Lordships without the supplicant's advice and consent, as the bond produced shows; and the supplicant craves that their Lordships will grant no protection to the said Mr. Matthew Crawfurdo the supplicant's prejudice, and unless he produce his consent thereto. To this the Lords agree and ordain accordingly.

Supplication by Andrew, Lord Jedburgh, as follows:—His former protection expires this day, and although he has beene trewlie carefull to settle with his creditors, all things are not fully concluded, and he therefore craves an extension. The Lords grant to him till 1st November next.

Supplication by Sir Hew Wallace of Craigie, knight baronet, as follows:—The protection granted to him and his cautioners for attending upon the Lords of Exchequer to receive payment of £20,000 for his surrender of certain heritable offices, with which sum he intends to satisfy his creditors, expires this day, and as yet no course has been taken for his satisfaction in the matter. He therefore craves the continuation of the protection. This the Lords grant till the last of August next. The cautioners and creditors named are as in the former Act of 24th March 1631, ante, p. 180.

Supplication by John Tennent of Carnes, as follows:—The protection granted to him for coming to Edinburgh with reference to the decreet recovered by the Laird of Howstoun against him for some alleged arrears of the rents of Carnes expires this day. The matter not being yet settled he craves a continuation of his protection. This the Lords grant until the last day of August next.

Complaint by Thomas Lamb, messenger, as follows:—Sir James Balfour, knight, Lyon King of Arms, alleging that he has obtained a decreet before their Lordships decreeing him to pay to the said Lyon a yearly annuity of £6, and to observe certain injunctions, has caused charge the complainer to give him a bond for payment and observance thereof under pain of horning, and he intends to enforce the said horning. Now, he does so unjustly, because the complainer having produced his blazon and other warrants of his office before the said Lyon in a court held by him in July last, he was forced to give him the bond for which he is now charged before the Lyon would deliver his blazon and warrants foresaid, and this bond the Lyon has now in his possession. "And howbeit the exactioun of this annuitie be ane mater vere uncoth, never formerlie exacted by anie preceeding Lyouns, and whairin lykewayes the Lords of Privie Counsell ordained Sir Jerome Lindsey, lait Lyoun and James Winrahame, his clerk, keeper of the messingers bands, to have givin thair declaratioun, qubilk is not as yitt
reported, and quhilk being trewlie made would discover the unjustness
of the said Sir James his desire," yet the complainer has found caution
in their Lordships' books for giving bond if it shall be found he ought
to do so, and he therefore claims that the said horning should be
suspended. The pursuer compearing and also Sir James Balfoure as
defender, who produced the letters of horning and also the foresaid bond, the
Lords find "the band foresaid, produced be the said defender as saidis, to
be ane sufficient obedience of the charge execute againis the said Thomas
Lamb for giving of the said band," and therefore grant suspension.

Complaint by William, Earl of Mortoun, Lord High Treasurer of
Scotland, John, Lord Stewart of Tracquair, Treasurer Depute, and Sir
Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, as
follows:—Their Lordships had discharged the export of wheat as being
prejudicial to the commonwealth, yet in violation of the acts and procla-
mations made thereon Bessie Balfoure, spouse to Henry Shankes in
Kinghorn, Robert Hill, skipper there, Isobel Wilsoun, spouse to John
Law there, Alexander Law, alias Clentrie, skipper, Isobel Hay, his
spouse, David Duncane, skipper, John Wardlaw, skipper there, Helen
Hucheson, spouse to John Balcanquall, skipper there, William Kay,
mariner, Margaret Stevinsoun, spouse to William Gieve there, David
Miller, baker there, David Gourlay, mariner, Alexander Lindsey, skip-
er, James Fluker, mariner, George Bervie, skipper, Alexander Law, alias
Anstruther, Robert Meik, mariner, John Fergusson, merchant, Margaret
Ball, relict of the deceased William Lamb, William Young, baker,
Richard Ros in Brintilland, James Quhyte, merchant there, and Andrew
Ranie, elder, skipper in Dysert, have each exported 100 bolls of wheat
or thereby, and ought therefore to be punished. Parties being cited,
and the Depute Treasurer and Advocate appearing to pursue, and of the
defenders only Isobel Wilsoun, David Duncane, John Wardlaw, William
Kay, David Miller, David Gourlay, James Fluker, George Bervie, Alex-
ander Law, Robert Meik, John Fergusson and Richard Ros being
present, and probation being referred to their oaths of verity, the Lords
fine Robert Hill who confessed to exporting 6 firlots of wheat . . .
[sum not named]; Isobel Wilsoun, who granted exporting 16 bolls, £32;
John Wardlaw, who acknowledged exporting 7 bolls, £13 6s. 8d.; David
Duncane, who granted exporting 8 bolls, £16: William Kay, who said
he exported 3 bolls [sum not named]; David Gourlay, who confessed to
6 bolls, £18; Bessie Quhyte, who acknowledged 4 bolls, £6; and John
Fergusson, who acknowledged exporting 16 bolls, £32. The others
who compeared and denied the charge, the Lords assolzie. Letters are
to pass against those convicted for payment of their fines within six days.
The Lords remit the fines of Robert Hill and William Kay to the Treas-
urer, and dispenses altogether with that of James Fluker in respect of
his notour poverty. They also assolzie the non-comparing defenders,
as the pursuers' witnesses failed in their evidence against them.¹

¹ Here ends the Register of Fines.
The whilk day the missive letter underwrittin signed be the King’s Letter from his Majesty declaring that the Marquis of Hamilton and others have been falsely accused of a conspiracy.

The whilk day the Lords of Privie Counsell was presented to the saids Lords and read in their audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right welbelovit cousine and counsellour, right trustie and right welbelovit cousines and counsellours, and trustie and welbelovit counsellours, we greit yow well. Whereas we wer informed of a practise in appareance so pernicious and neerelie concerning us as we could not but take some tryell thairof both by our selfe and some of our Counsell appointed be us for that purpose, bot in the meanetyme becaus of some sinistrous rumors maliciouisly dispersed thairupon to the prejudice of our right trustie and right welbelovit cousines and counsellours, the Marqueis of Hamilton, and the Earles of Hadinton, Roxburgh and Buccleuche and some others, least the lyke reports be brought unto your cares we have thought good heirby to declare that not onelie we have found by the tryell wee our selves have takin that they ar altogether innocent and cleere thairof, bot lykeways that the pryme informer thairof hath now cleerd thame upon oath, testifeing thame (as we know thame to be) as good and faithfull subjects as anie we have in anie of our kingdomes. And for the bussines it selffe whenever it salbe fullie tryed we will thereafter expresse our further pleasure concerning others interested thairin according as we sall find just caus ather in punishing anie persoun who sall be found guiltie or in punishing anie persoun that sall be found to have givin false information. And whereas we have formerlie by our letters recommended unto yow our right trustie and right welbelovit cousine and counsellour, the Marqueis of Hamilton, for furthering the speedie levey and transportiouin of his men with all possible diligence, these ar agane to require yow to contribute the best helpe that your auctoritie or endeavours can affoord for that effect; quhairof, both out of the regarde we have to him and to that employment, being vere confident of your best care, we bid yow fareweill. Frome our Court at Grenewiche the 29 of June 1631.”
dewtiful respect his Majesties gratious favour shawin unto him in preferring of him to this place of honnour and dignitie, he with all submissive reverence on his knees made and gave his solemne oath of alledgeance, and oath of a privie counsellour. Followes his Majestis missive for warrand of the act abovenwrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellers, we greit yow weill. Understanding perfytelie of the sufficiencie of our trustie and weilbelovit Sir Robert Douglas, knight, and of his affectioune to our service, we ar moved in regarde thairof and for his better encouraging and enabling for our saied service to advance and promove him to be one of our Privie Counsell of that our kingdome. Thairfoir our pleasure is, and we doe heireby require yow, that, having administered unto him the oath accustomed in the lyke caises, yow admitt him to be one of our Privie Counsell, receaving him in that place as one of your number, for doing thairof these presents sall be your sufficient warrand. And we bid yow farewell. From our mannour at Greenewiche the nynth day of Junij 1631."

"Forsameikle as the Lords of Secret Counsell ar credible informed that Margaret McKiesone, lait nurse to the Ladie Fendraucht, hes beene upon the counsell, device and execution of the treasonable fire raising and burning of the Lord Melgame, the Laird of Rothemay and others within the towre of Fendraucht in the moneth of October last, for the better tryell and cleering of whiche bussines necessar it is that the said Margaret be exhibite before the Counsell there to be examined concerning her knowledge of the said fact, thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full warrand, power and commissioun to George, Lord Gordoun, and to suche others as he sall appoint, for whome he sall be answerable, to pas, searche, seeke and take the said Margaret McKiesone where ever she can be apprehendit, and to bring, present and exhibite her before his Majestis Counsell to be tryed and examined upon suche particular interrogators as sall be givin in aganis her concerning the purpose aforesaid. Firme and stable halding and for to hald all and whatsoever things the saids commissioners sall lawfullie doe heerin."

"Forsameekle as the Lords of Secret Counsell ar surelie informed that it hes pleased God to visite sindrie parts within the shirefdomes of Yorke and Lancastershire in England with the contagious sickeinesse of the pest, qhilk in respect of the frequent and daylie intercourse of commerce and trade betuix the subjects of this kingdome and these of the twa shirefdomes foresaides may prove verie dangerous to this kingdome if all lawfull meanes be not used qhilkis at the good pleasure of God may prevent the same, and thairfoir the saids Lords, after verie good advice and deliberatioun, hes thought meit and expedient, concluded and ordained, that all intercourse of commerce and trade betuix the subjects
of this kingdom and those of Yorkshire and Lancastershire during the continuance of the plague in these shires shall be altogether forborne; and for this effect ordains letters to be direct to command, charge and inhibit all and sundrie his Majesties lieges and subjects be opin proclamiation at the mercat croces of the heid burrowes of this kingdom and others places neidfull that name of thame presume nor take upon hand during the continuance of the plague of pestilence within the twa shireftomes foresaid to interteane anie commerce or trade with the inhabitants of the same, nor to bring anie commoditie from thence to this kingdom, nor to transport anie commoditeis thither upon whatsoever cullour or pretext under the pane of dead. And whereas there is sundrie subjects of this kingdom presentlie within the saids shireftomes of Yorke and Langstaffe following their trade to whose knowledge this prohibitioun and discharge cannot in convenient and dew tyme come, thairfor to command and charge all suche of his Majestie subjects of this kingdom who at this tyme ar trading within the saids shireftomes of Yorke and Langstaffe be opin proclamiation, as said is, that at thair returne home they make their addresse directlie to thair loodgings and that they in no waies presume nor take upon hand to come furth thairof nor to open thair packes, nor to make sale of anie of the commoditieis or goods being within the same till first they acquaint the magistrates of the burrowes and touns where they dwell from whence they ar come and what commoditieis they have brought home to the intent the saids magistrates may give order and direction for thair enclosing and tryell and for opening up of thair packes and handling of the commoditieis and waiers being within the same, and that they obey the directionis to be givin unto thame be the saids magistrates in everie point under the pane of dead.”

[Sederunt as recorded above.]

Complaint by Katharine Wilsoun and John Smith in Dunce, as follows:—Their Lordships have discovered “the grosse oversight committed be James Mowat, lait sheriff clerk of Bervick, in the depositioouns of umquhill Alexander Hamiltonoun, latelie brunt for witchecraft, and how the said James wronged himselfe in his awne depositioouns made in presence of the saids Lords concerning that mater; lykewise he hes now verie farre wronged the complearners and others his Majesties subjects, both in thair fame and credit and hes dealt and travelled verie unchristianelie and uncharitable to bring upon thame ane imputation of the foule and detesable cryme of witchecraft, and by his bussie practises and suggestioouns hes brought ane foule slaunder upon thame; and in special he dealt and travelled with one James Home in Dunce, who was latelie execute for murder, to make some depositioouns and confessioouns aganis the complearners, as may appeare by his declaratioun.
made in presence of the ministers of Polwart, Bonkill, Swintoun and
Ellem, and bailies of Dunce, quhairin he freelie and willinglie of his
awin proper motive and with great remorse of conscience, being humbled
on his knees, confess and depouned that amongs the rest of his great
sinnes whairwith he was troubled at the tyme of his death, this was one
of the greatest that falselie and unjustlie he had slandered the com-
plainers as practisers of witchcraft, and that he was moved thairto be
the said James Mowat, who tooke him to Archibald Littills hous in
Dunce and there upon maire faire offers and promises of good deid
moved him to subscryve ane deposition dytted be himselfe and writtin
be Patrik Abernethie, his servant, conteneing ane number of untruthe
againis the complainers." This deposition by the said James Home they
produce." They can prove by honest and famous witnesses that the
said James Mowat "hes writtin and givin out dittayes againis them in
the names of M' John Wemes and M' Samwel Sinclare, ministers,
Patrik Abernethie, Robert Mudie and Williaume Furde in Dunce, and
Elspit Quhyte," without the knowledge of or any instructions by these
persons, and he has also dealt with Archibald Littill, Patrik Miller,
Thomas Balfour and Thomas Home in Dunce, and David Nibitt in
Kymmerghame, to make accusations against the complainers. Charge
having been given to M' John Weymes, minister at Dunce; M' Alexander
Cas, parson of Polwart; M' Samuel Sinclare, minister at Langtoun; John
Gaitts, minister at Bonkill; Leonard Johnstoun, minister at Ellem;
M' Walter Swintoun, minister at Swintoun; William Strauchin, bailie of
Dunce; Robert Mudie, notary there; Archibald Littill, Patrik Aber-
neathie, Patrick Miller a"ias Howstoun, notary, William Furde, and
Thomas Balfour, officer, all in Dunce, and Thomas Home, to compair
this day as witnesses in this matter, and the said James Mowat also
having been cited, Katherine Wilson compared by James Ruchheid,
her son, and John Smith and James Mowat personally. All the wit-
nesses also appeared and on examination verified the complaint. James
Mowat being himselfe examined with reference to the deposition made
by the said James Home when near his death, declared it was untrue
and that he never suborned him to make accusations against the said
Katharine as alleged; but he acknowledged that the deposition signed
by the ministers and others was a true record of what James Home
deponed. Wherefore the Lords find "that the said James Mowat has
beene maliciouslie bussie and fordward in seeking out and taking up of
dittayes againis the said Katharine Wilson, without the knowledge, privitie
and allowance of the parteis whom the same concerned, and that he
hes travelled with others to give up and subscrye dittayes againis the
said Katharine, assureing thame that they would never be challenged nor
callit in questiou for the same, which they refuised to doe in respect
they nather knew anie thing of the saids dittayes, nor of the said
Katharine her guiltiness of the same; and that in so doing the said
James hes cruellie and violentlie persewed the said Katherine, and hes
imployed his whole studie and endeavoure, and hes done what in him
lay to have brought upon her the heaviie imputation of witchcraft and
sua to have drawin her credite, life and estait into danger, committing
thairby a manifest wrong and injurie aganis the said Katharine of a
most malicious and dangerous preparative and exemple," and they ordain
him to be warded in the tolbooth of Edinburgh until he be censured and
punished according to the nature and demerit of his offence.

Complaint by Alexander Taillefeir, merchant burgess of Edinburgh, Complaint by
and Marion Williamsoun, his spouse, as follows:—On 24th January and
1st February last Agnes Maxwell, Lady Stanehouse, and Cuthbert Hamilton
of Cander, her husband, were put to the horn at the complainers' instance for non-payment of debts amounting to over £656 10s., of which hornimg they take no heed. The complainers compearing by Samuel Taillefeir, their son, but the defendants not compearing, the Lords ordain letters to be issued charging the Sheriff of Lanark and his deputies to search for, apprehend and ward the defendants, and to seize their houses and goods within three days after the charge, upon pain of rebellion.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Complaint by
Mr. William Murray in Ardowne, as follows:—In contravention of the
laws forbidding the wearing of hagbuts and pistols, Sir George Gordon
of Gicht on Sunday 19th June last, came armed with swords and
pistols to the complainer's parish kirk of Monfute and waited there for
him until the preaching was ended. "After sermoun, the compleaner
being gone to dinner in the dwelling hous of Jereme Lindsey in Mon-
fithe, the said Laird of Geicht sent for him desyring him to come and
speake with him, quhilk the compleaner having obeyed he first entered
in ane faire and pleasant discourse with him about certane purposes
until he had drawne him farre out of the town to the feilds from the
sight of all people, and than he began to forge certane querrels aganis
the compleaner, and er ever he wes awar the said Laird drew his sword,
strake out a number of straikes at the compleaner, and had not failed to
have slaine him, wer not his awne better defense." The pursuer com-
pearing but the defender not, the Lords heard evidence of witnesses with
reference to that part of the complaint accusing the Laird of Geicht of
wearing unlawful weapons and find it proved that he carried pistols on
the occasion libelbed, wherefore they ordain him to be charged to enter
into ward in the tolbooth of Edinburgh and there remain until he com-
pone with his Majesty's Treasurer for the same, within ten days after
the charge; and if he dieobey, to denounce and escehat.

Complaint by Uthrid M'Dougall of Mundurke, as follows:—Their Lordships had decreed him to pay a fine of 500 merks, being 100 to his Majestie and 400 to William Trotter, whom he hurt with a hagbut, against Sir James Black besides paying the chirurgeon for curing him. For the same cause the adder, Sheriff of
Sheriff of Berwick and his deputes have summoned him before them and convicted him of “twa bloodweits”; and for payment of the fine imposed by them therefor, have seized five cows with their followers, and a horse worth 100 merks belonging to the complainer. Charge having been given to Sir John Home of Blacader, as sheriff principal of Berwick, and Robert Cockeburne of Blackmyslyne, as sheriff depute, and they and the pursuer appearing personally, the defenders explained that they had pindled the goods foresaid for payment of the sheriff’s fees in connection with the case of William Trotter. The Lords, after hearing parties, sustain the procedure of the defenders, but exonerate the pursuer of the fine of 100 merks which they ordained him to pay to his Majesty.

Supplication by Alexander Gordoun of Carnebarrow, as follows:—He came under caution in the books of Privy Council either to conform to the religion presently professed, or leave the country before 15th September last. He was fully resolved to adopt the latter alternative, but in the meantime it pleased God to visit his aged father with sickness, and “the dewtie of nature and conscience” obliged him to remain in attendance upon his father until , when it pleased God to call him to his mercy. He craves that in the circumstances their Lordships would appoint him another day, by which time he may be able to determine his line of conduct. The Lords assign to him the term of Martinmas next, Robert Gordoun of Garloche becoming cautioner for him that by that time he will either conform to the true religion or leave the country, under the penalty of £500; as also that he will pay the sum of £500 already incurred by him to his Majesty’s Treasurer, and compone for his escheat; and, further, that meanwhile he will not reset jesuits and priests, and will admit and hear conference and resort to church; otherwise their Lordships, on learning from the Bishop of Murrey of his disobedience, will recall this warrant, and proceed against him with all rigour and severity.

Supplication by John Littill, servitor to Robert, Earl of Nithisdaill, as follows:—The protection granted to him for attending upon the Justice anent the burning of the house of Mr. David Leitch, minister at Dundrennan, expires upon the 10th instant, and his trial has been continued until the 22d, the Justice having put him under caution to keep ward within the burgh of Edinburgh. He therefore craves an extension of the period of his protection; and the Lords grant him until the last day of July next.

Complaint by Mr. George Roull, minister at Morvingtoun, and George Moffat, his servant, as follows:—They have been charged at the instance of Sir James Douglas of Morvingtoun, Alexander Torrie in Morvingtoun, Patrick Torrie there, and Alexander Lawder, brother of Robert Lawder of Edrington, to find lawburrows to them under the penalties of 500 merks and 300 merks respectively. Now these persons cannot make faith that they dread bodily harm at the hands of the complainers,
and, moreover, the amounts are far beyond what the laws prescribe, the said Mr. George Roull being in no better condition than a yeoman, who is only required to find caution in 100 merks, and the said George Moffat being but a poor servant, whose caution should not exceed £40. However, to asech the danger of horning they have found caution as charged, and they crave that the charge be suspended. Charge having been given to the said Sir James Douglas, Alexander Torrie, and Alexander Lawder, who appear by Mr. Laurence Oliphant, their procurator, and the pursuers being personally present, the Lords, after hearing parties, suspend the letters of horning as craved and modify the caution to be found by the pursuers to the sum of £100" in the case of Mr. George Roule, and £40 in the case of George Moffat.

"The Lords remitts the consideratioun of his Majestie letter concerning John Meldrum to Thursdy nixt, and ordains the hail process to be in readinesse that day."

"The quhilk day the Lord Chancellour exhibit a patent grantit be his Majestie in favours of Sir William Alexander, knight, his Majestie’s principall Secretare of Scotland and heretabill Lieutenant of New Scotland, quhairby his Majestie was pleased for the good and faithfull service done be him to his Majestie and for his chargeable undertakings of the plantation of New Scotland to make and constitute him Vicecount of Stirlin, Lord Alexander of Tillibodie. Quhilk patent in absence of the said Vicecount was delievered to the Lord Tracquair, who with all dewtifull and humble respect receaved the same in his name. The patent daited at WIndsore the 4 of September 1630."

"The Lords of Secret Counsell ordains ane double of the letter sent down from his Majestie for cleering the Marquies of Hamilton, the Eries of Hadintoun, Roxburgh and Buccleuch of a practise falselie surmised to have beene intendeit be thame againis his Majestie sacred person, to be delievered to the President of the Sessioun, the Deane of Facultie, the counsell of Edinburgh and others persons of qualitie for their better satisfactioun anent the truthe and cariage of that bussines and of the noblemen thair innocencie thairof."

"The Lords of Secret Counsell ordains his Majestie Thesaurrar and Deputie Thesaurrar to answere and make payment to the Erle of Linlithgow, his Majestie Admirall, of suche soumes of money as sall be
requisite towards the outred, manning and victualling of twa shippes for
persute of some pyrats lying in the West Seas."

"The Lords of Secret Counsell ordains and commands the provest
and baillies of Glasgow, Dumbartane, Air and Irving to assist the Lord
Admirall with men, victual and others necessors for pursute of some
pyrats lying in the West Seas."

"The Lords of Secret Counsell freeths and relieves the Laird of
Fendraucht of the intertwenement of the twa Hieland men sent here be
the Lord Gordoun and now prisoners in the tolbuith of the Cannogait
frome this day furth and in tyme comming."

"The Lords of Secret Counsell ordains the Lord Admirall that in
agreeing with the maisters of the shippes whome he is to conduce and
imploy againis the pyrats in the West Seas he give unto thame suretie
for satisfactioun of thair losse in caise their shippes sall happen to be
sunke."

"The whilk day in presence of the Lords of Secret Counsell com-
peared personallie Francis Douglas, brother to the Erle of Angus, for
obedience of his act whereby he was bound to exhibite William Camp-
bell, who being examined upon the breaking up of the doores of the hous
of Caddell after that the same was seazed upon to his Majestis use,
depouned that the said Francis Douglas, being donator to Caddells gift
of escheat and finding that the bridge by storme of weather being brokin
doun had lykewayes brokin doun Caddells yett, the said Williamie thair-
upon in his maisters right mendit the bridge and caused make ane new
key to the utter yett; for the qubilk his contempt the saids Lords
ordains him to be committed to ward in the tolbuith of Edinburgh
thairin to remaine till he be relieved. And the Lords declaires that
during his imprisonment he sall be free of all arrestments and sall not
be detainied for anie other caus."

"The whilk day Sir James Douglas, brother to the Erle of Angus,
become actit and obleist as cautioner and souertie for Francis Douglas,
his brother, that the said Francis sall not meddle with the hous of
Caddell nor take possesstion thairof till he recover decreit theraevent
before the judge ordinar under, the pane of ane thousand merkes.
Lykeas the said Francis produced the key of the utter yett whilk was
givin up to the Thessaurar Depute."

[Sederunt as recorded above except Tracquair.]
against Sir James Balfour of Kynnaird, Lyoun King of Armes, and his clerk and brother heralds, for discharging his exacting from them an annual fee of £6 or 10 merks, rectifying certain other abuses used towards them, and reducing the bands which he has taken from them for payment of this annual fee and holding two head courts peremptorily every year. These bands, they allege, were only obtained from them by circumvention, the said Lyoun having convened the complainers to a court the morning after his inauguration to produce the warrants of their offices, which, when they had done, he caused his clerk keep until they subscribed these bands. The said Lyoun has now caused Thomas Lamb, messenger, to be charged to fulfill a decree obtained against him before their Lordships for giving him a band for the said annual fee, and the said Thomas Lamb has suspended the charge, but the Lyoun intends, if the suspension is discussed in his favour, to oppose the same before the Lords of Session. Now, the complainers were never cited to the giving of the said decree, for if they had been, they had their defences ready, as, viz., that several of the complainers were not bound in their former bands to pay any such annual fee to the late Lyoun, and if they were in use of paying it, which they never were, it was voluntary "for a benefite to the compleaners themselfs for receaving their offices qhilks they have ad vitam vel ad culpam titulo oneroso." And if the Lyoun may impose this yearly fee upon them he may as justly demand payment anew of the £100 or 100 merks which they paid at the time of their admission. Parties being cited, and a number of the foreaid messengers appearing and also the said Sir James Balfour, the Lords, after hearing them, find that their decree in the case of Thomas Lamb shall in no wise militate against the pursuers nor be extended against them nor the rest of the messengers who were not called to the pronouncing thereof, and that Sir James shall be heard to oppose the same against them, but that they and the rest of the messengers may propose their lawful defences against it.

This day Mr. Alexander Wedderburne, as procurator for the provost and bailies of Dundee, produced a copy of letters of charge at the instance of William Alexander, merchant burgess of Dundee, against the said provost and bailies, to have appeared before their Lordships and received order to liberate him, they having apprehended him while under his Majesty's protection, and the debt for which he is warded being his own debt or a cautionry for Archibald Kid; and in respect that no appearance was made for the said William Alexander, he protested that as he was ready to answer the summons, no further proceedings should be allowed in the case till the said provost and bailies were summoned of new, and their expenses paid. The Lords allowed the protest.

Complaint by Uthrid McDougall of Mondurke, as follows:—Their Lordships have fined him in 400 merks to be paid to William Trotter in
Blaikburnerig, for having shot at him with a hagbut, and they also ordained him to find caution for satisfying "the barbar." He is most willing, according to his power, to pay both, but "the barbar" craves "ane verie exorbitant pryce" which the complainer cannot pay. While thus in process of agreement the said William "craftilie staw the compleanner to the borne, tooke him be captioun when he wes paying ane certanne somme of money to his creditors, and committed him to ward within the tolbuith of Edinburgh where he presentlie remains." Charge having been given to the said William Trotter and John Ker, "Barbar," and they and the pursuer comparring personally, the Lords modify £100 as the satisfaction to be given to the chirurgeon, and ordain the provost and bailies of Edinburgh to put the pursuer to liberty, he having given bond to pay the sums due by him within eight days under a penalty of 10,000 merks, to be divided equally between "the partie and the chirurgian."

Supplication by Andrew Dickson, master shipwright to his Majesty, as follows:—In the discharge of his Majesty's service he has not only used his own money but contracted some debts, and though their Lordships ordained his Majesty's Treasurer to repay him, he can get no payment, and so is disabled from paying his creditors, who, having used all legal diligence against him, now threaten him with capture and other execution. He craves their Lordships' protection that he may be unmolested until the money due to him from the Exchequer be paid. The Lords grant him their warrant till Martinmas next.

Supplication by Sir George Crawford of Lesnorie[sic] as follows:—He is earnestly desirous to relieve himself of the great burden of debt which he underlies, and is resolved to sell his lands for satisfaction of his creditors, but owing to some hurrings against him he cannot come to Edinburgh to advise with lawyers for preparation of the securities, and therefore craves their Lordships' warrant to that effect. The Lords grant him until 31st July next.

"The lyke protectioun grantit to John Stewart of Coldingham for attending the fitting of his compts with Robert Douglas of Blaikester and Alexander Cranstoun of Morestoun until the last of Julii instant."

"Another protectioun grantit to Sir John Ker of Langnewtoun and Mr William Ker of Mylnerig, his brother, for settlin with Sir Robert Ker of Ancrome anent their fathers estait until the first day of August nixt."

"A letter from his Majestie for setting up of lights upon the Skairheids, a copie whairof ordained to be delievered to the Burrowes, and the towne of Edinburgh to report their opinioun thereonant upon Tuisday."

Sedunt—Chancellor; Privy Seal; Wintoun; Bishop of Ros; Bishop of Dumblane; Naper; Traquair; Clerk Register; Justice Clerk; Sir James Baillie; Sir Robert Douglas.
Anent the question moved before the Lords of Secret Counsell be Sir Archibald Acheson, knight and baronnet, his Majestie Secretarie, touching the wrong allged done to him in his place of Secretarie in the Commission of the Exchequer now ready to be sealed, quhairin the said Secretarie is ranked after the Clerk of Register, Advocate and Justice Clerk, and is designed thairin to be secund Secretarie agains the course of former commissions of Counsell and Exchequer and all others writtings whatsoever and to the prejudice of the said Secretarie his place, compeird Sir Thomas Hope of Craighall, knight and baronnet, his Majestie Advocate, and allgedgit that there was no wrong done to the said Sir Archibald in postponing of him to the said Clerk of Register, Advocate and Justice Clerk, becaus the commissioun being formed, dociqued and sent up blanke to his Majestie in the names and returned backe agane blanke under his Majestie hand to be filled up with the names the said Advocate filled up the same according to the Act of Secret Counsell made in anno 1623 for ranking of the counsellors within the counselhous and conforme to ane declamation of Parliament made be umquhild King James of blessed memorie in anno 1617, in the quhilc act the rankes and places of counsellors ar sette doun and the officiars of estait ar ordained to have place before all others not being officiars of estait, and the said Sir Archibald, not being principall Secretarie, cannot be ane officiar of estait, becaus be the said Act of Parliament made in anno 1617, the officiars of estait ar reduced to the number of eight, of whome the principall Secretarie, the Clerk of Register and Advocate ar three, but no place givin to another Secretarie thairby but onlie to the principall Secretarie; and the said Sir Archibald not having vote in Parliament and articles inuding the principall Secretaries lyfetyme he cannot nor aucht not to have place before the saids officiars of estait who ar immediatlie subjowynd in thair awne order to the Secretarie principall. And albeit his Majestie hes beene pleased to erect the place of secund Secretarie (whilk wes never in Scotland of before bot the place of Secretarie in caise of his absence wes supplied be a depute as is constant be the Acts of Parliament and Counsell), yitt it is not his Majestie pleasure thairby to prejudge the others officiars in thair priviledges quhilks they have and injoy by Acts of Parliament and Counsell antierior to the said erection. Lykes in the patent givin to the said Sir Archibald of the office of Secretarie there is speciall reservation to the Lord Viscount of Stirlin, principall Secretarie, of all the honours and dignities of the place during his lyfetyme. And if the said Lord Viscount be first and principall Secretarie that of necessitie the said Sir Archibald must be secund. And if the said Sir Archibald sall be placed immediatlie nixt to the principall Secretarie he sould be preferred to the Thesaurar Depute who be the said Act of Counsell is putt in the last place of the said officiars of estait becaus last erected. And it is absurd to mainteane that the secund Secretarie sould have place before the Thesaurar Depute who hes
als neere relation to the principall Thesaurar as the second Secretar to the principall Secretar. Unto the quhilkis alledgeances the said Sir Archibald opponned the custome of all his Majestie dominiouns and of all other forrane nations, and he produced his patent and gift of his place under the great scale as his Majestie Secretarie of Estait of his kingdome of Scotland without additioun of the word secund, and bearing all honours and precedenceis injoyed be anie of his predecessors and cled with ane uninterruptit possessioun of precedencie and ranking in all former commissions, letters, proclamations, decreits and sederunts of rankings of Parliament, Counsell, Sessioun and Excheker; and also desired the said Act of Counsell and declaratioun of Parliament to be produced as evidences to demonstrat his precedencie before the Advocat, conforme to the custome of all nations; and so being his Majestie Secretarie he is ane officiar of estait als principall as Sir John Cooke in England or the Lord Montmoreis in Ireland; and there was never anie suche designation in Scotland as that of second Secretarie nather is there anie mentiouen of principall Secretarie in the said Act of Counsell made in anno 1623 nor Act of Parliament made in anno 1617 but onlie of Secretarie; and his Majestie in all his letters and commissions, and the Lords of Privie Counsell in all thair letters and commissions writeth ever the said Sir Archibald his Majestie Secretarie, without additioun of Secund. And where it is alledged that the said Sir Archibald is no officiar of estait nor hes no vote in Parliament nor Articles except his Majestie use his service thairin in absence of the Lord Viscount of Stirline or some other officiar of estait, yitt he hopeth no wise man can say bot ane Secretar of estait and kingdome is ane officiar of estait and of more eminint trust and neereness to his Majestie than the Advocat; lykeas the remanent officiars of estait, viz., the Clerk of Register, Justice Clerk and Maister of Requestes never as yitt did nor now doeth anie wayes questioun the Secretarie his precedence or ranking before thame. And as concerning the Act of Counsell made in anno 1623 it is answered the same was onelie made for ranking of the counsellors in the counsellous and no where ellis, and there wes than onlie one Secretar in the kingdome who was then ranked before the Clerk of Register and Advocat, and if there had been two Secretarieis than no doubt bot they wald have beene ranked also before the Advocat; lykeas how soone his Majestie made Sir William Alexander Secretarie with the Erle of Hadintoun he immediatlie injoyed place and precedence before the remanent officiars of estait who wer not noblemen. Nather ever did the said Sir Thomas Hope or anie other of his Majestie Advocats offer to take place or precedence before anie of his Majestie Secretar, nather wes it ever seene in anie of his Majestie dominious or in anie forran kingdome that the King's Advocat had place before ane Secretar of Estait; nather can it be imagined that ane Secretar of Estait who writeth letters and pacquets
for the Estait to the King and frome the King to the Estait and frome
both to forrane kings and estaites can be excluded frome being ane officiar
of estait, but that in absence of one Secretar his Majestie may use the
other even in Parliament; or that in absence of umquhill Sir William
Oliphant his Majestie might not have used the said Sir Thomas Hope,
his Majesteis other Advocat, or that now if the said Sir Thomas wer
visite with sickmesse or had another Advocat joynd with him, but that
his Majestie might use that other Advocat in Parliament or elliswhere
as ane officiar of estait in absence of the other for his Majesteis service.
And forder it is alledgit that in the said Act of Counsell the Viscounts
ar ranked after the Erles and before the Bishops, after whom ar the
temporal lord barons and after thame the officiars of estait amongs
whome the Secretar is ranked before the Advocat, and the Lord Viscount
of Stirline cannot be accounted that man who is to be ranked after the
lord barons, he being a Viscount, but it is some other Secretarie who is
to be ranked, viz. Sir Archibald Achesone who in his gift is styled
Secretarie pur et simpliciter without additioun of the word Secund, and
unto whome by the said gift ar grantit all honnours, digniteis and
precedenceis formerlie injoynd by anie of his predecessours. And
whereas it was alledgit be the said Advocat that in the Act of Parlia-
ment made in anno 1617 there wes ane reducement of all officiars of
estait to the number of eight, it is answered that there is no suche Act
yitt made nor published. It is trew that in the said Parliament,
1617, when some of the nobilitie spake againis the voting of officiars
of estait, after searche of the registers it was reported to the
King and Parliament be the than Clerk of Register, who is now
Lord Chancellor, that sometymes the officiars of estait who
voted in Parliament wer abone eight and sometymes fewer than eight,
and that thairfor his Majestie than declared that no more officiars of
estait than aucthould have vote in Parliament nor articles as officiars of
Estait; lykaes be that declaratioun the King is not limited frome having
more nor eight or frome using what eight he pleses, bot be the contrare
the said declaratioun doeth cleerelie demonstrat that the King at that
tyme both had, and by joyning, divisioun or otherways may have as he
now hes more then eight officiars of estait togidder, and that it is in his
pleasure and optioun what eight to use in Parliament without being
addicted to anie one more nor another conforme to the wounted custome
of Parliaments. Lykaes his Majestie did formerlie in manie pre-
ceeding Parliaments use the Chancellor, Comptroller and Collectour as
officiars of estait notwithstanding of the remanent eight, viz., Thesaurar,
Privie Seale, Thesaurar Depute, Secretar, Clerk Register, and it is high
presumptioun to alledge the contrair. For by the sederunts of Parlia-
ment it may appeare that the lait King made the Lord Chancellor, being
a nobleman, to sitt among the noblemen, and made umquhill Sir Gedeon
Murray, Thesaurar Depute, to vote in his place; and yitt he did not
debarre the Chancellor from being an officer of estate. Lykeas he did in the than nixt following Parliament, 1621, sitt and vote amongst the officers of estate, and in that sederunt was ranked among thame. And forder, it is alleged that in all the sederunts of all preceding Parliaments, Counsell and Session the Advocate is still ranked after the Secretarie, and that also in all former commissions, proclamations, decreits, letters and writings whatsoever the Secretar, and namelic the said Sir Archibald Achesone, is still ranked before the Advocate; and theirfor in law, custome, reason and honour the Advocate aucth to be debarred from his clame of precedence before anie Secretar whatsoever. To the whilk it was replied be his Majestie Advocate that the allegiation made agais the Act of Parliament and Secret Counsell ar disconforme from the saids Acts and that both the Clerk Register and Advocate concures for maintenance of thair places; and for the custome of England and Ireland it aucth not to be respected becaus there the Clerk of Register and Advocate hes not vote in Parliament as they have in Scotland. To the quhilk it was duplyed be the said Sir Archibald that his alleggages ar relevant and no wayes disconforme to the words and meaning of the said Act of Counsell and declaratioun in Parliament and that the Advocate aucth not have the said precedence no more nor the Kings Attorney of England or Ireland nor of anie other natioun hes before anie Secretar of Estate of anie of the saids kingdomes. With the whikls allegages, answeres, replies and duplyes the saids Lords being wel advised, and having considerit the said Sir Archibald his complaint, the Act of Counsell and declaratioun of Parliament and the said Sir Archibald his gift of his office under the great scale, they have theirfor ordained and ordains the word second adjoynned to the said Sir Archibald his style and office in the commission foorsaid to be delete; lykeas the said word was presentlie delete; and they have ordained and ordains the commission foorsaid to be exped with diligence; and declares that the ranking of the said Sir Archibald in the commission foorsaid after the Clerk Register and Advocate saill in no wayes prejude him nor his successors of anie precedence dew and possest be thame be vertew of the said office of Secretarie or be vertew of the said Sir Archibald his gift but that the said Sir Archibald and his successors may weeke and quetylie possesse and injoy anie precedence dew and possest be thame in all tyme comming untill his Majestie upon dew information saill thinke fert to declare his royall pleasure anent the premises. And the saids Lords ordains ane letter to be written to his Majestie for his information conteaining within it the said Sir Archibald his complaint, the extract of the said declaratioun in Parliament and Act of Counsell, togidder with the extract of this present Act and of the said Sir Archibald his gift of his office of Secretarie, to be considered of by his Majestie as in his high judgement may seeme most fitting for his awne service in tyme comming."
Sederunt—Chancellor; S^t Andrewes; Privy Seal; Wintoun; Galloway; Bishop of Dunkeld; Bishop of Dumblane; Bishop of Aberdeene; Bishop of Rosse; Bishop of the Yles; Lord Arskine; Lord Melville; Lord Jedburgh; Lord Naper; Secretar; Advocat; Justice Clerk; Sir Robert Ker.

"Forsameekle as the Lords of Secret Counsell having by warrand and directioun from his Majestie givin order for a generall collection to bee made throughout all the kirks of this kingdom towards the releefe of the distrest ministers of the Palatinat, and it being specially appointed that the moneys leveyed in every parish should have beene delivered to the moderator of the presbyterie to have beene sent in be him to George Suttie and William Gray, merchants of Edinburgh, who armed appointed be the Counsell to be receavers thatrof, notwithstanding the moderators and ministers within the dioces of S^t Andrewes and Glasgow hes vere farre slighted and neglected the trust and charge therein committed unto thame and hes not made delyverie of the moneys collected and receaved be thame, bot keepes and retaneis the same in thair awne hands, disappointing thairby the saids necessitie ministers of thair expected releefe; for remeid whairof ordains letters to be direct charging all and sindre the moderators and ministers within the dioces of S^t Andrewes and Glasgow, whois names sall be givin in roll be the Archbishops of S^t Andrewes and Glasgow, that they and everie ane of thame respective according to the order formerlie preservyed delyver the moneys collected be thame for the purpose aforesaid and caus the same be sent in to the saids generall receavers betuix and the 28 day of this instant, and in casse of thair refusall to make delyverance of the moneys being into thair hands that they compeir personallie before the saids Lords upon the said 28 day of this instant to answere upon thair refusall and to heare and see suche order tanke thereanent as the nature of the caus and thair behavour in suche a caus doeth require, under the pane of rebellion, etc. with certification, etc."

"The whilk day the Laird of Grant having entered and presented Alaster Grant before the Lords of Privie Counsell for satisfaction of the Act whairby he was obliest to that effect, the saids Lords ordains the said Alaster to be committed to waird in the tolbooth of Edinburgh, and the said Laird of Grant to enter him in waird within the same. Lykeas John Grant, appearand of Ballindallach, being personallie present, actit himself to persew the said Alaster for the slaughter of John Dallast and others crymes committed be him upon the 23 day of November nixtocomne under the pane of ane thousand pundis."

"The Lords ordains the Shireff of Edinburgh, the bailleis of Edinburgh, Tranent, the Lord Prestongrange, the bailleis of Mussilburgh and Preston, the Erle of Wintoun, Lord Balmerinoth, fewers of Restafirg and bailleis of the Cannogait, to conveene and meet in Edinburgh upon
the 22 of this instant anent the repairing of the hie ways betweene Edinburgh and Berwick, and to report upon Tuisday thereafter."

"The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell was presented to the saids Lords and read in thair audience, of the whilk missive the tennour followes:—CHARLES R., Right trustie and right weillbelouit cousipe and counsellour, right trustie and right weillbelouit cousines and counsellours, right trustie and right weillbelouit counsellours, and trustie and weillbelouit counsellours, we greet yow weill. Whereas for the better cleering of the truthe tuiching the burning of the Tower of Frendret we have formerly required yow to take the like course with Johne Meldrum as yow have done with one Tosheauch concerning that purpose, but seeing ye have hitherto delayed the doing that airf for some reasons we doe therefore remitt the same to your owne consideratioun to do thairin as yow sall thinke most expedient. And being informed that yow ar to put James Grant to his tryell heerenent, in regarde our right trustie and right weillbelovit cousine and counsellour, the Erle of Monteith, President of our Privie Counsell, who is our Justice Generall, is to remane heere some space, as calit by us to attend our service, ours pleasure is that yow supresee all tryall of the said James Grant until suche tyme as our said Justice Generall be present there, unto whome we sall impart our further directions, and for your so doinge these presents shalbe your sufficient warrant. Given at our manour of Grenewiche the fourth day of Julij, 1631.1 Quhilk letter being read, heard and considderit be the saids Lords they humbelie acquiesce thairunto."

[Sederunt as recorded above.]

Complaint by Matthew Duncaen, servitor to Thomas Robertson in Todholhillis, as follows:—On 30th March last, while "about sunseting" the complainer was thrashing corn in his master's barnyards with his coat off, John Bannerman in Dennes came to him and "with ane rung gave him ane number of straikes upon his head," cutting it in several places, and so bruising him "with bauche, blae and bloodie straikes upon the armes, shoulders and other parts of his bodie that he was unable to stirre and ever sensyne hes beene unable to labour in his maister's service." The pursuer compearing but not the defender, and a number of witnesses having been examined, the Lords find the assault proved, and ordain the defender to be charged to enter into ward within the tolbooth of Edinburgh within fifteen days until order be taken with him regarding this insolence upon pain of horning.

Complaint by James Mitchelhill, burgess of Selkirk, as follows:—On Fol. 233, a. of 30th June last he obtained a decreet from their Lordships against his

1 There is another copy of this letter in the Register of Royal Letters, etc., fol. 200, a.
brother, ordaining the bailies of Selkirk to liberate him from their tolbooth in so far as he was warded at the instance of his said brother or his cedente upon enacting himself in the town books of Selkirk to compass before their Lordships on 12th July instant under a penalty of 1000 merks. He expected that on so doing he would obtain his liberty, but he is still detained in ward by the procurement of his said brother at the instance of Mr. John Ker and Agnes Lawson, his spouse, Andrew Scot in Howden, George Currou of Quihytumrehall, George Turnbull in Philiphauche, Alexander Andersoun in Schaw, George Riddell in Selkirk, James Winrame of Libbertoun, James Murrey in Selkirk and Mr. Robert Craig, factors to Francis Stewart, son of the late Earl of Bothwell, John Lidderdaill in Selkirk, Mr. Patrick Schaw, minister there, John Short and John Andersoun, burgesses of Edinburgh, Alexander Wright, burgess there, and Henry Wright in Selkirk, whose whole debts do not exceed 1000 merks, and all of whom except one to whom the complainer owes but £100 would willingly consent to the complainer’s liberation, knowing that if he were in a position in which he could dispose of his lands he would soon give them satisfaction, whereas his lying in prison not only hinders them, but wrecks the complainer himself, his wife and eleven poor children. Charge having been given to the persons named above (from Mr. John Ker to James Winrahame inclusive) and to William Scott and William Elliot, bailies of Selkirk, to produce the complainer, and the said bailies producing him and there being also present of the defenders George Currou, George Turnbull, Alexander Andersoun, James Murrey, John Andersoun, and William Mitchelhill, the pursuer’s brother, also James Winrahame by Mr. James Laidla, his servant, all of whom consented to the liberation of the pursuer for one year, and the pursuer having enacted himself under the penalty of 1000 merks to appear before the Lords on the first Council day of July to underly their Lordships’ pleasure in this business, the Lords ordain the bailies of Selkirk to set him at liberty in so far as he is warded at the instance of the defenders.

Act of caution by James Mitchelhill, burgess of Selkirk, in 1000 merks that he will not molest his brother, William Mitchelhill, nor his wife and household.

Similar Act of caution by the said William Mitchelhill in the like sum for the indemnity of his brother James and his household.

Another Act of caution by said James Mitchelhill in 300 merks for the indemnity of George Turnbull in Philiphauche and his family, etc.

Similar Act of caution by the said George Turnbull in the like sum for the immunity of the said James Mitchelhill and his family, etc.

Complaint by Marion Home, Lady Corsebie, as follows:—Their Lordships were induced, upon evidence that she could not with surety of her life keep company with her husband, to grant her an order of separation and aliment out of his estate for herself and her children; but the
ston, from whom she is separated by the decree of the Council, and whom she accuses of seeking to overthrow that decree.

payment of this aliment so angers her said husband that he employs all means, direct and indirect, to have it discharged. With this object, and not out of anie affection or love he has to the complainer or desire of her company, he has now raised an action of adherence before the Commissaries of Edinburgh, who also intend to proceed with and adjudicate in the case. She pleads that they cannot do so, seeing that the matter is one with which their Lordships have dealt, and with whom the final dealing of the case must therefore remain. If she goes home to her said husband she has nothing to look for but “all the malice and wrath whairwith he may afflict her,” as his hatred to her is more violent than ever. She pleads therefore that the Commissaries should be discharged of interfering in the case. Charge having been given to the Fol. 235, n. said Patrick Cranstoun, and also to the Commissaries of Edinburgh and their clerk, and all parties compeiring, the Lords find that the proposed action is proper and competent to be dealt with by the Commissaries of Edinburgh, and remit the same to them to proceed therewith according to the law; ordaining them, moreover, to provide for the indemnity of the pursuer, and her honest aliment and entertainment as is usual in matters of that kind.

Complaint by James Mowat, Writer to the Signet, as follows:—He has been lately warded in the tolbooth of Edinburgh for taking information against John Smith and Katherine Wilsoun about some points of witchcraft, though truly what he did therein was out of mere simplicity and in the exercise of his office of Sheriff-clerk of Berwick for the time. Moreover, he was formerly warded in the said tolbooth on the same charge and he has not committed any such oversight since. Charge having been given to Gilbert Achesoun, one of the bailies of Edinburgh, in name of the provost and whole bailies thereof to exhibit the pur- suer, and the pursuer being produced, the Lords ordain him to be put to liberty, he having enacted himself not to exercise any public charge or office without a warrant from the Council, under a penalty of £1000.

“The quhilk day the Ylismen being callit and not compeirand, decernis aganis M’Claine and his cautioners and superseids the executioun till the 26 of this instant.”

“Coill his not compeirance excused in respect of his indisposition and age.”

Lochbuoy.

“Decernis aganis Lochbuy and superseids the executioun till the 28 of this instant.”

The Captain of Clanrannal.

“In the Act for repairing the highways between Edinburgh and Berwick, the bailies of “Hadintoun” are also here given.

“Ordains John Duff to meet and conferre with the Burrowes upon the 18 of this instant anent the setting up of lights upon the Skairheads, and to report upon the twenty ane.”
Sederunt—Chancellor; St. Andrewes; Privy Seal; Wintoun; Holyrood House, 14th July 1631.
Bishop of Dunkeld; Aberdein; Ros; Dumblane; Yles; Lord Melvill; Naper; Tracqair; Secretary; Advocate; Sir Robert Ker; Justice Clerk; Sir Robert Douglas; Sir John Scot.

The whilk day Sir George Crawford of Lesmoreis and Gabriel Porterfeild of Haspland compereand personallie before the Lords of Privie Counsell the said Laird of Lesmoreis nominat the Lord Tracqair, and the said Gabriel Porterfeild nominat M’William Cunningham of Broomehill, to whom they submitted the difference standing betweene thame, whome the saids Lords ordains to meete the morne at ten of the clocke and to travel betuix the partis for settling of their qwestions.

"The Lords of Secret Counsell ordains Alaster Grant to be kept in the yrnehouse and the keeper of the tolbuith to crave and exact of him his jayloour fee weeklie."

"The Lords of Secret Counsell discharges the granting of anie Anent commissions for tryng comming to gentlemen in the countrie for trying of the mater of treason in respect of the nature of the cryme and dangerous consequence thairof."

Complaint by John, Lord Areskine, as follows:—He has at great cost Complaint by brought a number of strangers, men expert in the tanning of leather, to instruct the tanners and barkers of this kingdom, and in obedience to the Council many of the best and most skilful tanners of this kingdom are content to receive instruction and embrace this reformation, but a number of the more rude and ignorant are disobedient and refuse viz.:—

Mgnus and John Tailyeour in Bankwall, Andrew Tailyeour in Fingask, Andrew and Alexander Madersie in Fernhill, David Straith in Clinterlie, George Baird there, Alexander Rattlie in Carnemure, Robert Abroun in Conkboig, Alexander Simson in Houahill, Alexander Webster in Tarwathie, Adam Gaw in Tirrituhill, William Myline in Sprowursurd, William Myline in Crimonthe, John Darg in Meinzie and Constantia Broun and John Clerk in Aberdour. The pursuer appearing by John Wardlaw, his procurator, but none of the defenders, the Lords ordain them to be put to the horn and esceat.

Complaint by Fleurance Neine Charliche VcEane, spouse of Donald Complaint by McNureis VcNeill Yairr, and her said husband for his interest, as follows:—On February last Lauchlan McClaire of Ardnacros, and Lachlan McEane Dowie VcCharles, Gorrie McRonald, and John McInneis Donald
Eyr Muldonich McVeEane Rowich, servitors to the said Lachlan, all armed with swords, bows, darlochs and other invasive weapons, came way of hamesucken to the complainer's house in Kil VeEwin, in the isle of Mull, for the purpose of killing the said Donald, and missing him after searching through the house, "they shamefullie patt hands in the persoun of his said spous, being great with childe, harled her out of her hous be the haire of her head, band her hands behind her backe with bow strings as if she had beene ane thefe, traileld her throw ane myre beside her awin doore," and would have killed her but for the inter-position of some persons who came to her relief. The pursuers appearing by James Logie, their procurator, but not the defenders, the Lords ordain them to be put to the horn and escheat.

In the cause between Katharine Forbes, Lady Rothiemay, and John Gordoun of Innermerkie (ante, p. 242), the said John Gordoun compeared and exhibited his pupil, James Gordoun, now of Rothiemay, before the Council, and the said Lady Rothiemay being likewise personally present, the Lords heard what either party had to say regarding the custody of the said pupil. After advising, their Lordships find "that the tuitioum and charge of the pupills persoun and the administratoum of his estait belongs to the said Johne Gordoun in the right of his office; and yitt notwithstanding for the better educatioum of the said pupill in religioum and letters the saids Lords ordains him to be bred and educat at the schooles of Aberdein during his minoritie and to be placed in some honest hous there attended with ane pedagogue at the sight and appointment of the Bishop of Aberdein," and they ordain that his mother, with her own consent, shall bear the expense of his maintenaunce there until it be seen if he has sufficient means of his own, and if he has, she is to receive repayment of her expenses from the said John Gordoun, tutor. Further, the Lords ordain the said John Gordoun to place his pupil in the charge of the Bishop of Aberdein within the burgh of Aberdein on 6th August next; and if the said John returns home before that time and before the said Bishop's departure from Edinburgh, he is to leave his pupil with the Bishop of Dumblane, in whose company he is to remain, and thereafter he is to be taken to Aberdein by his mother and placed in the Bishop's custody on the day forsaide. To do this both the said John Gordoun and Lady Rothiemay, whichever of them took charge of the matter, enacted themselves under a penalty of £500. Further, the Lords ordain that at the expiring of his minority the pupil is to appear before the Lords of Session, that, with the advice of his friends on both the father's and mother's side, he may choose his curators. Meantime, while the boy remains in this town, he is to be in the keeping of his said tutor, he allowing him always to go to his mother at such times as he shall be required. And, finally, the Lords ordain that this arrangement shall be without prejudice to the rights of the office of tutory belonging to the said John Gordoun of Innermerkie.
Complaint by Sir John Scot of Newburgh, and by Mr. George Halyburton of Foderance, William and Adam Scot, brothers of Robert Scot of Gilmenscleuch, John Scot of Hundilishop, John Fairholme, burgess of Edinburgh, and Patrick Nimmo, tailor there, all creditors of the said Sir John Scot, as follows:—In January last their Lordships granted a warrant to the said Sir John for coming to Edinburgh and suing Andrew Scot, chirurgeon, for count and reckoning of the said Andrew’s introduction with the said Sir John’s estate, and for denuding him of the said estate. Several of their Lordships have personally taken great trouble in the matter; but the said Andrew, unwilling to relinquish, has now raised an action before the Lords of Session for declaring that the said Sir John’s lands belong to him, and when anyone appears in the said Sir John’s behalf to except, the said Andrew debar them by hornig against the said Sir John. The complainers are thus “heavilie prejudged.” Charge having been given to the said Andrew Scot, and he compearing personally, and the pursuers by John Henderson, writer in Edinburgh, the Lords, after hearing parties, grant protection and license to the said Sir John to come and attend his action until Saturday week the 23d instant.

Complaint by John Bissat, merchant burgess of Edinburgh, as follows:—About Beltane last he had six or seven houses burned in the Cannogait, whereby he sustained very great loss. He set about rebuilding them, and at the desire of Henry Lethingtoun, “coupper” in the Cannogait, he entered into terms with certain craftsmen there, who turned out very ignorant and unskilful, and utterly spoiled his work. Accordingly, he was forced to employ others, and among these one Abraham Andersone, “sklaitter,” burgess of Edinburgh, a competent craftsman, to put on roofs, and the said Abraham was engaged in this work when, on July instant, James Aitton, bailie in the Cannogait, and the said Henry Lethingtoun, came and violently carried off the said Abraham to their tolbooth, where they have kept him imprisoned for twelve days, and refuse to release him until he enact himself to desist from all working in the Cannogait, “contraire to the freedome and libertie of persoons of his calling who have ever beeene in use to worke where and whencesoever they ar employed and contrarie to the freedome of all his Majesties good subjects in their choice of craftsmen where they may have thame most sufficient.” The complainers have thereby been “greatlie damnified and his worke cast farre abacke.” Charge having been given to the persons accused to appear and produce Abraham Anderson, and they all and the pursuer compearing and having been heard, the Lords ordain the said James Aitton to liberate the said Abraham that he may complete his work, and discharge the said Henry Lethington of all troubling of him therein; but they declare that if after trial and consideration of the liberties and rights claimed by the craftsmen of the Cannogait, in terms of their seal of cause, it is found that the said Abraham has done wrong, he shall be punished in his person and goods at the Council’s will.
14th July 1631. [Sederunt as above, omitting St Andrewes and Sir John Scot, and adding Lord Areskine and Lord Jedburgh.]

"The Lords continewes the report anent the coynie unittill Tuesdays nixt whairof Mr Alexander Guthrie wes warrand apud acta."

"After our very beatriclie commendatiounes. Quheras ther is a course to be takin for repairing the hie wayes betwixt Edinbrugh and Bervik for quhilk purpose ane meeting is appointed to be keeped at Edinbrugh upoun the twentieth tua of this instant of the pairteis interested thairin to convene with the provest and bailies of Edinbrugh for the better ordering of that busines; and whereas yow are of that nombre whome this busines concernes, these ar thairfoir to request and desire yow that yow fail not to keep the said appointment and to concure with the towne of Edinbrugh by your best advyce and furtherance for the settling of that work. Qhhairanent looking to your precise keeping of that dyet, we committ yow to God. From Halyrudhous, the fourtene day of Julii, 1631 years. Sic subscribitur, Chancellour, Hadingtoun, Wintoun, Traquair, Arch: Achesoun, G. Elphingstoun."

"Forsameekle as it is understand to the Lords of Privie Counsell that there is some appearance of trouble lyke to fall out betwixt Stirlin of Keir on the ane part and Maister of Abircorne, on the other part, qhhairupon further inconvenient or lyke to fall out if remeid be not provyded, thairfoir the Lords of Secret Counsell ordains letters to be direct charging both the saide pairteis to compeir before the saids Lords upon the morne the nyntene day of Julii instant to underly suche order as shall be tane with thame for keeping of the peace, under the pane of rebellioun, etc.; with certif- cationoun, etc."

Sederunt—Chancellor; St Andrewes; Privy Seal; Wintoun; Bishop of Dunkeld; Bishop of Ros; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Melvill; Jedburgh; Naper; Traquair; Secretary; Advocate; Justice Clerk; Sir Robert Douglas; Sir Robert Ker; Sir John Scot.

Act in favour of Sir James Grant of Freuchie in connection with Alaster Grant.

"The whilk day the Lords of Secreit Counsell after reasoning and voting finds and declares that Sir John Grant of Freuchie, knight, by the entrie and exhibition of Alaster Grant, rebel, who is now made prisoner within the tolbuith of Edinbrugh, has satisfied and fulfilled the act, thairby he was obliged to that effect; and in respect thairfoir the saied Lords freeths and releevs the said Sir John Grant of the act foresaid, hail heids and articles thairfoir and panes thairin conteaunt, and discharges him thairfoir in all tyme coming, but prejudice alwayes to the parteis interest of anie actioun competent to thame upon the act of Parliament to be persewe aganis him as accordes of the law."
"Anent the supplication presented to the Lords of Secret Counsell be Dame Marion Boyd, Countesse of Abercorne, makand mention that where in the moneth of Apryle last the saids Lords grantit unto her licence upon caution found be her actit in the bookes of Privie Counsell for her addresse to her dwelling houses of Paisley or Blackstoun and that she could remayne there for dispachte of her adoes till Lambmesse nixt, and that in the meantyme she sall not ressett Jesuits, seminaries nor messe preestes, and that she sall return backe agane to her waird in Duntarvie betuix and Lambmesse, under the pane of fyve thousand merkes, as the warrands grantit to her for this effect beiris; since the whilk tymne the said Countesse hes beene so visite with infrimittie and weakenesse that she hes ever keeped waird at Duntarvie, and hes never had her health to repaire to her saids dwellings of Paisley or Blackstoun. And whereas now it hes pleased God to restore her in some measure to her health so as now she is able to make use of the saids Lords thair licence and to repaire to the west for sattling of her adoes there, and seing the terme appointed for her returne to Duntarvie, whilk is Lambmesse, is so short that she cannot outred nor dispatche her adoes agane that tymne, humbelie desiring thairefor the saids Lords to prorogat the terme appointed for her returne to Duntarvie till Candlemesse nixt, lykees at mair lenth is contenait in the said supplication. Qhillk being read, heard and considderit be the saids Lords, and they well advised thairwith, the Lords of Secret Counsell hes prorogat and continewd, and be the tennour heirof prorogates and continews the terme appointed for the said Countesse her returne to Duntarvie till Candlemesse nixt; becaus Claud Hamiltoun of Strabane, Maister of Abercorne, her sonne, is become actit and oblieut as cautioner and souermie for the said Countesse that during the tymne of her abode in her saids dwellings of Paisley and Blackstoun, she sall not ressett Jesuits, seminaries nor messe preestes, that she shall not ressett Thomas Algeo and that she sall behave her selfe modestie without giving of offence or scandall, and that she sall returne backe agane to her waird in Duntarvie betuix and the said terme of Candlemesse nixt, under the pane of fyve thousands merkes."

"The whilk day William Rid, commissioner for the burgh of Edinburgh, being assistit with a number of the commissioners for the Burrowes compeirand personallie before the Lords of Privie Counsell reported that they had considderit at thair general meeting the overture made be the Committee of Burrowes for remeiding the abuse and course of forraine coyne, and inbringing of buyleoun whairof they doe allow and did humbelie represent the same to the consideratioun of the Counsell."

[Sederrunt as recorded above, except Areskine and Jedburgh, but adding Holyrod House, 19th July 1681.

Complaint by Alexander Lyoun of Muresk, as follows:—On 27th May
last Arthur Forbes, eldest lawful son to John Forbes of Brux, accom-
panied by Alexander Forbes in Lochell, Thomas Shireff in Longhauche,
Patrick Middltoun in Bridge of Moffat, Thomas Troup in Govells, James
Reid in Culches, Forbes, servitor to the said Arthur Forbes,
William Yuill in Westeide, and others their accomplices, armed with
swords, targes, banded staves and other invasive weapons, came by way
of hamesucken to the complainer’s dwelling house of Mureesk about the
break of day, lay about the house a long time striving to get entrance in
order to take his life, and “brasched at his yetts with gavelocks and
others ingynes,” but failing to get admission, they went to his barnyard
where his servants were at work in “the beir seid tyme” and “dang
thame with their stafes and others weapons,” avowing that if they had
found the complainer they would have used him worse. The pursuer
comparing personally but none of the complainers, the Lords ordain them
to be put to the horn and escheat.

Complaint by Robert Monteith, indweller in Edinburgh, as follows:— Fol. 239, b.
He became cautioner for Alexander Monteith, servitor to Lord Bal-
merinoch, that he would exhibit David Littill of Ormestounhill before
their Lordships on 27th April last to answer a complaint by Susanna
Heriot, widow of John Mowat, burgess of Edinburgh, and failing herein,
that he would pay to her at Whitsunday last the sums of money for
which she had said David at the horn. Now, the 27th of April not
being an ordinary Council day, nothing followed upon the said act.
Charge having been given to the said Susanna Heriot, and the pursuer
appearing and producing the said David Littill, who exhibited a note of
the appraised value of certain of his clothes which were in the keeping
of the said Susanna extending to £96 6s.; and the defender not com-
pearing, the Lords ordain that the said clothes in her possession belonging
to the said David shall stand as full payment of the debt he owes her.

Complaint by Michael Sco in Leslie, as follows:—On 9th July instant
Johne Aitkine, elder, in Rescobie, lay in wait for him at the town of
Dunfermeline and meeting him on his way to the Quenisferrie, assaulted
him from behind with a great sting, gave him a number of wounds on
the head and felled him to the ground, to the great effusion of his blood
and peril of his life, besides giving him many “bauch, ble and bloodie
straikes” in divers parts of his body. The pursuer appearing but not the
defender, the Lords, after hearing the pursuer and his witnesses, find that
the defender “hurt and woundit the said perserwer with ane stafle to the
effusion of his blood,” and ordain him to be charged to enter into ward
in the tolbooth of Edinburgh within six days and there remain until
order be taken with him for this insolence and failing to do so he is to
be put to the horn and escheat.

Complaint by John Elder of Spoutwellis, as follows:—On 5th July Fol. 240, b.
instant, Patrick Crookehanke in the Wynde of Skoone, Patrick and
Gilbert Cowper there, David Farie, George Rattray, John Eylistoun,
George Blair, Peter Moreis, James Walker, Robert Gairdner, Patrick Mitchell, Patrick Lamb, and Patrick Cruikshanke there, Peter Moreis in Chantergait, Ronald Lamb, William Wilson, James Martine, Patrick Quhittock, George Rob, Robert and John Cruikshanke, Robert and William Todd, David Smith and John Sand there, and others, armed with “speiris, Jedburgh stafles, forkes, spaidis, swords and uthers weapouns invasive,” came to his lands of Spoutwells, and there hacked, cut and destroyed the turfs cast by the complainer and his tenants upon the comonnty of the said lands, where he and his predecessors have been in peaceable possession of casting turfs past memory of man, demolished and cast down “ane seate hous,” built thereon far within the marches, consisting of “three cupples with doores and windowes,” threw down his dykes, planted by him and his predecessors “with elmes, ashes, birke and plaine, and in end delved up the haill merche stones of the saids lands.” The pursuer compearing personally and of the defenders Patrick Cruikshanke, Patrick and Gilbert Cowper, David Fairhar, George Ratray, Peter Moreis, Robert Gairdner, Patrick Mitchell, Patrick Lamb and James Martine, and the evidence of certain witnesses produced by the pursuer having been heard, the Lords assoilzie the defenders from every point of this complaint.

[Sederunt as above, adding the Bishop of Aberdein, and excepting Lords Areskine and Jedburgh.]

"A proclamatioun discharging all importatioun of dollours after Mar-times and commanding the maisters of coale and salt that they receive no dollours for the same, and that the moneys whiche sall be payed thairfor be of his Majeeties coyne or of forrane spieces allowed and at the rate thereenant prescyrved, and that the goods and commodities be caried in to England be sauld there that returne be made of the pryces thairof in the spieces abonewrittin and nowayes in dollours, under the pane of confiscation; and the customers appointed to searche and try."

"The Lords having heard the report made be the Burrowes tuiching the gramer compiled by M'. David Wedderburne continewes the same till Thursday next."

Sederunt—Hadintoun; Wintoun; Bishop of Dunkeld; Bishop of Dunblane; Bishop of Ros; Bishop of the Isles; Melvill; Jedburgh; Naper; Secretary; Advocate; Justice Clerk; Sir Robert Ker; Sir Robert Douglas; Sir John Scot; Sir James Baillie.

"The whilk day in presence of the Lords of Secret Counsell compeirid act anent Mr. David Wedderburne, schoolemaister at Aberdeene, and his Latin Grammar."
and all others grammars discharged to be printed, sauld or taught in anie of the schooles of this kynode, and the sole priviledge of printing and selling the said Mr David his grammar being grantit unto him, his airis and assignyeys for the space of twentie ane yeres that than and no otherwayes he saill make payment to Mr Alexander Home, schoolemaister at Dumbar, his airis and assignyeys, of ane thousand merkes money at suche tymes and with suche modificatioun as the saids Lords after tryell of the said Mr David his benefite saill appoint and prescryve, reserving always libertie to the said Mr Alexander Home and to Mr Johne Home, his sonne, of teaching of the grammar compyled be the said Mr Alexander within their awne schooles allenelie and no where ellis, quhairunto the said Mr Johne, compeirand in name of his father, acquiesced."

"The whilk day the depostiouns concerning the burning of Mr David Leitch, minister at Dundrennan, his hous, being reported to the Lords of Privie Counsell the same wer opened and delivered to his Majesteis Advocat and remanent examinators to be considerit of be thame."

[Sererunt as recorded above.]
Miltoun, armed with forbidden weapons, violently prevented them from uplifting the mart from the parish of Kirkpatrik; further, when, that same day, the said Earl's servants had taken the mart from the parish of Sibbalbie, Alexander Boyes in Bekoothill, and others, armed with forbidden weapons, pursued them for a mile, and took the mart from them: Moreover, on the 17th of the said month, James Achesoun, called the Choppin, James Achesoun in Polmudie, Matthew Johnestoun there, William and John Blaikok, there, servants to Herbert Achesoun in Polmudie, at the direction of the said Herbert, violently debarred them from uplifting the mart from the parish of Moffat; and Thomas Dinwiddie in Achindinnen, violently debarred them from uplifting it from the parish of Johnestoun. The complainer is thus like to be deprived of the duties pertaining to the said office. Charge having been given to the persons complained against, and the Lord Advocate compeiring personally, the Earl of Annerdaill by Mr. Alexander Burnet, his procurator, the said Simon Grahaime, Herbert Achesoun, Thomas Dinwiddie, John Johnestoun of Stodrigs, William Grahaime in Cartertoun, William Grahaime in Heichat, John Grahaime, his son, James Achesoun in Polmudie, Matthew Johnestoun there, and William and John Blaiklocks thare, compeiring by James Johnestoun of that Ilk, who said he would answer for them, and the said Patrick Proudfoote by Mr. Samuel Johnestoun, who declared he would be responsible for him, and parties and their witnesses having been heard, the Lords find the complaint proved, and ordain the said James Johnestoun of that Ilk and Samuel Johnestoun to enact themselves that the persons whom they represent shall make restitution of the marts, and forbear all opposition in future, under such penalties as the Lords may see fit to impose in case of contravention. Further, as nothing was proved against the said Herbert Achesoun, the Lords assoilzie him; and they ordain the said John Lintoun, Thomas Porteous, Thomas Bell, John Sandert, Alexander Boyes, and James Achesoun, called the Choppin, who failed to appear, to be charged to enter themselves within six days in ward in the tolbooth of Edinburgh, and there await their punishment, under the pain of rebellion.

Complaint by Isobel Dowglas, widow of Archibald Weddell of Turindykes, Mr. William Weddell, her son, and James Simson, her tennant, as follows:—The said Mr. William Weddell is heritable possessor of the lands of Turindykes and their pertinents and he and his predecessors have been in peaceable possession thereof and of the commonty of the Muir of Crichtoun by pasturing their cattle and winning their fuel there past memory of man, without opposition or interruption, until that lately, after the death of the said Archibald Weddell, Adam Wauchope of Caikmure, and Michael Scot, the Earl of Buccleuch's chamberlain of the lordship of Crichtoun, taking advantage of the simplicity of the said widow and her son, resolved by way of "deid, bangsterie and oppressioun..."
to debarre and exclude the compleanner and thair said tennent from the said priviledge of pastouring thair goods and winning of fewell upon the said mure," and consequently from their possession of the said lands, which cannot be laboured without the benefit of the said muir. Accordingly, on 1st July instant, the said Adam Wauchop and Michael Scot directed James Cookeburne in Crichtoun, Michael Dewar and John Paistoun there, to the said muir, where the said James Simson had loaded a horse and cart with fuel, as he had been wont to do for the twelve years of his tenancy without interruption, and as he was coming home, near the town of Crichtoun they "violentlie reft the hors and caire out of his hand, kuest the same over ane steepe craig or sinkhe beside the said toune and had almost brokyn the said tenants craig and his horse backe, so as the poore beast is become so lamed and crooked that he will never be usefull for anie service." So, also, the compleanner is despoiled of his fuel, and his assailante would have killed him if some neighbours had not come to his relief, at which they, grudging, threatened to take his life if ever he came there again. By this oppression, committed so near to the seat of justice, the compleanner's lands are like to be laid waste if remedy be not provided. Charge having been given to all the parties complained upon, and both pursuers and defenders comparring personally, the latter alleged that they did nothing but make a civil and legal interruption against the intrusion of the pursuers upon the Muir of Crichtoun. The Lords, after hearing parties, ordain the pursuers, in respect of their present possession of the muir, to continue therein till they be orderly removed by course of law, and admit the alleged interruption as a sufficient ground upon which the defenders may proceed against the pursuers to this end.

Complaint by Hew Tod, Writer to the Signet, and Agnes Ernot, wife of Laurence Thomason in Leith, as follows:—There was a contract made in 1630 between the said Laurence Thomason and his said spouse the said Hew Tod whereby Thomason and his wife obliged themselves to procure a gift under the Privy Seal of "the making of stifing" within the realm in their own favour, and by the same deed they, as if the gift had been already procured, granted a lease to the said Hew Tod of the sole right of making the said "stifing" during the lifetime of the said Agnes Arnott for payment of the yearly duty therein specified, his entry to be at the date of the said contract. In terms of this deed the said Agnes Arnott in name of Hew Tod has since possessed "the said office of stifing making be buying of wheat, making of the said stifing, selling thairof, and uplifting of the moneys thairfoir fra merchants, buyers of the same stifing," for a year; but the said Laurence Thomsoun, understanding that the said Agnes Arnott had received certain money for paying of her creditors, from whom she had borrowed for buying wheat, "in his wonted maner come to the said Agnes her almeric within her said dwelling hous" and violently, on 19th July instant,
Decretts,
March 1631.
April 1632.
Fol. 243, b.
Fol. 244, a.

under silence of night took the sum of 3000 merks; and, further, broke up her workhouses and took away “stiffing” and wheat of the value of other 3000 merks. He also struck the said Agnes, giving her “manie bloodie and blee straikes,” put her out of her dwelling-house, and will neither allow her to enter nor give her her clothes. Both pursuers and defender comparing, the latter admitted that he took from his wife sixty two dollars and two pieces of gold for payment of some of his debts, which, with the evidence of some witnesses, having been heard and considered, the Lords ordain the defender to restore to his wife the money he had taken from her “dresser almerie,” and the keys of her work house, so that she may pursue her trade of stiffing making at her pleasure, under tolerance of the said Hew Tod and in terms of the contract, and they reserve right to the pursuers to sue the defender for recovery of the rest of the money. They further ordain the defender to find caution in 500 merks for the indemnity of his wife; and she is to find caution in the books of Secret Council to relieve her said husband of all debts which she may contract in connection with her stiffing works.

Complaint by James Wallace, David Quhytheid, John Nisbitt, elder and younger, James Tait, elder and younger, William Tait, Robert Gray, George Johnestoun, William Litster, and John Henrie, for themselves and in name of the remanent tenants of Colbrandspeth, as follows:— There is a common highway leading from the sea to the town of Dunce and other parts of the Mereoe, which passes between Colbrandspeth and the muir and moss thereof. By this way the complainers and their predecessors have always been accustomed to pass to diverse parts in the Mereoe, and also to and from the muir and moss of Colbrandepeth with horses and carts for winning of peats and fuel, and their privilege was never quarrelled nor interrupted until that, lately, James and John Angus of Foulfordleyes have “putt in certane great stones in the said hieway whairby he hes stopped all passage to his Majesteis lieges be hors or cart by that way.” The complainers dealt with him for removing the stones, but he utterly refuses, and has occasioned twenty-four carts with their horses to stand idle from 8th to 11th July instant, to the great damage of the complainers and the disappointing them of their winter’s fuel. Parties comparing personally, the defenders replied to the complaint “that the halfe of the hieway being tane away be the force and violence of the waters and they fearing that for supplee thairof the saids persewars sould encroache upon thair heritage they to secure the same patt in stones in thair awne heritage whilk wes never anie hie way.” The Lords, after hearing parties, appoint Sir James Baillie of Lochend, Mr. James Sydserfe of Ruchla, and James Happer of Bourehouses to visit the ground in dispute, find out what was the old way, how much of it was taken away, and how it might best be enlarged, and report to the Lords on 21st September next; and meanwhile they ordain the
defenders to remove the said stones and make the way patent to the lieges, promising that if the defenders are found in the right in their placing of the said stones, whatever loss they may sustain by their removal shall be made good to them.

Complaint by James Angus of Foulfordleyes, as follows:—He and his predecessors have been in peaceable possession of the lands of Foulfordleyes and their pertinents without trouble or interruption past memory of man until lately that Mr. James Nicolsooun of Colbrandspeth, by himself and others, has caused make roads and highways through the complainer’s proper lands, and driven horses and carts through the same. When the complainer set in some stones to prevent people coming off the highway upon his lands and took instruments against the said Mr. James and his tenants for doing so, yet, upon July instant, John Arnot in Pethheid, William Arnot, his son, Robert Pannango in Colbrandspeth Tower, James Broun, Patrick Tennent, Walter Bissat and James Bissat, his son, Patrick Maislet, John Chrystesoun, Andrew Sandersoun, James Wallace, and Robert Hunter, all at the instigation of the said Mr. James, came to the complainer’s said lands armed with “swords, stings and long weapons, and having hors and carts in their companie they drave the same alongs ane great part of one of the complainers rigs and there pulled up the stones sett in be him, as said is, and kust thame away, delved up his proper ground; and the complainer being accidentallie upon the feilds and having come to the saids persons, he being solitarie and without weapons, after that he had modestie reprehendith thame for this lawlesse oppressioun he departed. Bot how soone they perceaved him to be gone backe they followed after him and cruelle persewed him of his lyfe with great kents whairwith they gave him ane number of straikes in diverse parts of his bodie, strake him to the ground, verie cruelle biird andbruised him, trampeed and tred upon him with their feit, drew their whingers and strakke out diverse strakes at him thairwith, hurt and woundit him upon the bellie and hand to the effusion of his blood and perrell of his lyfe, and had not failed to have slane him if his sonne had not come for his releefe.”

Parties being cited and the pursuers compairing personally, and of the defenders the said Mr. James Nicolsooun, John and William Arnot, Robert Pannango, James Bissat, and James Wallace, probation was referred to the oath of verity of the defenders present, who being sworn denied the truth of the complaint except that John Arnot confessed that in his own necessary defence “he kust the persewer doune and tooke his whinger frome him.” The Lords accordingly assosizie the defenders.

Supplication by Gabriel Porterfield of Hapland, as follows:—Their lordships have appointed Lord Traquair on behalf of the Laird of Lesmoreis, and Mr. William Cunningham of Broomehill on behalf of the supplicant, to mediate between them for settlement of their differences, but the chief person interested is Mr. Matthew Crawford, brother of the
said Laird, without whom it will be impossible to arrive at any settle-
ment, and he therefore craves that their Lordships would grant their
protection to the said Mr. Matthew for a certain time to attend upon
this settlement. The Lords grant him until 31st August next; but if
John Lokhart of Bar complains against this protection it is to be
recalled.

Supplication by Agnes Maxwell, Lady Stanehouse, and Cuthbert
Hamiltoun, her spouse, as follows:—They are in debt to certain creditors
through her intromissions as tutrix of James Hamiltoun of Stenhou, her
son, and intend for relieving themselves thereof to dispose part of their
lands to Claud Hamiltoun of Strabrand, Master of Abercorne, but cannot
come to Edinburgh for consultation with lawyers in respect of some
horning they underlie, and accordingly crave a protection from their
lordships. The Lords grant them this until 31st August next.

Supplication by Ahanna of Sorbie, and Ahanna, his son, Similar
as follows:—They have come to this burgh for giving satisfaction to
their creditors, and are in some hopes of success if their Lordships would
grant them a protection for a certain space. The Lords grant them this
until 1st August next.

"Ane protection grantit to Sir John Scot of Newburgh for attending
his actions before the Session until the sext of August next." Protection to
Sir John Scot of Newburgh.

"To be advised the nixt Counsell day fra quhat tymne the prohibitioun
for imbring of dollours sall take effect."

Sederunt—Chancellor; S' Andrewes; Privy Seal; Wintoun; Perth;
Gallouay; Viscount Stirlinc; Lord Areskin; Bishop of
Dunkeld; Bishop of Aberdein; Bishop of Ros; Bishop of
Dumblane; Bishop of the Yles; Lord Melvill; Jedburgh;
Carnegie; Naper; Tracquair; Secretary; Advocate; Justice
Clerk; Sir Robert Ker; Sir Robert Douglas; Sir John Scot.

"Forsamekle as the Lords of Secret Counsell ar informed that thir
diverse yeeres bygane thare hes beene verie great disorder and confusion
among the fishers and couppers of herring the tymne of the herring
drave of Dumbar and diverse insolenceis have beene committed be thame,
as weil amongs thame selles as upon his Majestis subjects that comes
to attend and await upon the fishing, not onelie be cutting, shaliking and
stealing of thair neighbours netts, beirups and bowes under silence of
night and stealing of the fishes being within the same and be the
persute and invasioon one of another, to the great disturbance and
trouble of the halif flote, bot with that ane number of thir fishers and
couppers especiallie of the north coast doe carie away the herring tane
be thame to the north coast without payment of assise or teind, expresse
ganis his Majestis lawes and Acts of Parliament, be the qhilk is
ordained that all slayers of herring and white fishe sould bring the same
to the nixt adjacent burrowes to the effect his Majesteis liegees might be first served and the rest salted and barrelled be free burgesses. For 78, b. quhairthrow not onelie is his Majesteis defrauded of his assise rent and Fol. 79, a. custome and his Majesteis subjects frustrat of the benefit of the sea appointed be God for their nourishment, bot the burgesses and freemen of burrowes ar disappointed of thair traffique and commoditie; and if this abuse and disorder be suffered to be of continuance manie inconveniences will fall out to the hurt of the commoun weale. Thairfoir, the Lords of Secreit Counsell ordains letters to be direct to command, charge and inhibite all and sindrie fishers and couppers of herring attending the herring drave and fishing at Dumbar be opin proclamatioun at the mercat croce of Dumbar and at the peir and shoaire thairof, and be opin proclamatioun at the mercat croces of Mussilburgh, Carrail, Anstruther, Pittinweme, and others places neidfull, that nane of thame presomne nor take upon hand to weit thair nettis or buy anie herring till first they come to the Admiral his deputis or clerk resident at Dumbar for the tyme, and give up unto him the name of the skipper or awner of thair boate, and that they act thame selffes to kepe good order the tyme of the fishing, and that they sall make payment of his Majesteis assise, the teind and others dewiteis payable be thame, under the pane of twentie punds to be paid be the awner of the boate, if he be present, and if he be absent by the skipper, by and attour the reparation of the wrongs to be done be thame to anie of his Majesteis subjects whatsoever; certifieing thame that faiyleis and sall doe in the contrair heirof that they sall be decerned to have incurred and to incurre the said pane, and executioun sall pas agane thame for payment of the said soume and for reparatioun of partieis harmed in forme as effeiris: for the quhilk act so to be made be thame in the clerkes bookeis, as said is, they sall onelie be holdin to pay to the clerk aucht penneis money for his paines; and if the clerk sall exceed the said soume and sall exact anie forder payment or fee for his act nor aucht penneis it is heirby declared that he sall incurre the soume of ten punds money for everie faiyley to be committed be him in exacting of forder payment and fee for his act over aucht penneis, and executioun sall pas againis him for payment thairof in forme as effeirs."

"Forsameekle as the Lords of Secreit Counsell ar informed that the Water of Forthe above the Quenisferrie is farre spoyled and filled Anent the casting of stones into the Forth above Queensferry. with stones and sand in sindrie parts by the strangers arryving for coale Fol. 79, b. and salt within the firth who casts thair ballast in the saids places so as there is no sure ankerying for shippes in manie parts of the said water, to the great hurt and discredite of the cuntrie; thairfoir the saids Lords gives and grants commissioun be thir presents and thair speciall command and direction be [to] the Burrowes of this kynodome to caus sight and consider the said water abone the Quenisferrie what hurt and harme is done there by casting of the ballast of shippes thairin; and for this effect.
to plume the water in all places neidfull and to examine the deepenesse that of and soundnesse of the ground for anchering of shippes, and to take any perfoye tryell and survey of the estate of the said water betuix and Michealmes next, and to report the same to the saids Lords upon the first Counsell day after Hallowmesse."

"The whilk day the Commissioners for the Burrowes compeirand personallie before the Lords of Privie Counsell reported that they had considderit the gift craved by John Duff for setting up of lights upon the Skairheids whairunto he hes right be assignatioun made to him be the aires of M' John Broun, to whom the patent wes first grantit, and declared that they find ane great danger in the preparative to the prejudice and interruptioun of trade; and that in respect of the shortnes of tyme they could not have leasure to examine the expediencie of suche a gift."

[Sederunt as recorded above.]

Complaint by John, Lord Areskine, as formerly (see ante, p. 162) against the following recalcitrant tanners, viz., Robert Neilson, Jasper and John Cuthberts, John Peddersoun, John Reid, John Ker, George and James Dicks, John McConnachie, Finlay Marquis, Rannald Duff, James Stalcalt and Finlay Gordoun, all in Inverness, Alexander Dow McWilliam McAllane, Gilbert Paul, David Scot, William Dow and Robert Smellie in Channonrie; Paul Gairdner, John Sinclare, Andrew Ferquhar, Thomas Strauchane, Thomas Taillyeour and Thomas Murrey in Forres; Donald McAlister alias Ros, William Hay, Robert and John Roy, Alexander McKindlay Dowie, Finlay Rebry, John Clerich, William Brachter, John Cumming, John Cooke, and William Carinche, all in Tayne; Finlay Cleriche in Tarbert, Alexander Tarbert in Arvo, John and Alaster McKey in Kilmewre parish, Finlay Roy in Geneis, Dondald McUndie, Alexander Garge in Mynnetromy, and Alexander Brainer in Hiltoun of Tayne, who being cited before the Council, and the pursuer being personally present, there compared the said Robert Neilson, John Pedesoun, John Reid, John Keir, George Dick, John McConnachie, Ronald Duff, James Scalcalt and Finlay Gordon, while Jasper Cuthbert was excused on a certificate under the hand of the provost, bailies, and some of the council of Innerness, to the effect that he was "ane poore, old, decrepit and deiff man, unable to travell on foot or hors." After hearing parties, the Lords, for the convenience of the defenders present, and to obviate their coming back again before the Council, appoint Hucheon Ros of Kilrawack, and Mr. Samuel Falconner of Kintroche, or either of them, to hold courts and try the defenders regarding their alleged contravention of the law, and take order for their future obedience, and each of the defenders enacted himself under a penalty of
£100 to appear before the said courts, and obey the orders prescribed anent the tanning. With respect to the defenders who failed to appear, the Lords ordain them to be put to the horn and escheat.

Complaint by Robert Buchan, burgess of Aberdeen, as follows:—His Majesty and their Lordships were pleased to appoint him commissioner for "fishing and seeking of pearle," within the whole waters of Aberdeenshire and bounds of Sutherland, Ros, and Strathnaver, so that none might engage therein but such men of skill as should be appointed by him, and from whom he should receive all pearls found in the months of July and August (which is the proper season for seeking of pearls) upon reasonable prices to be paid by him for them. In the execution of this commission the complainant has been very careful to approve himself worthy of the trust reposed in him by his Majesty, and has duly proclaimed and notified the terms of his commission to all parties, yet George Rowane, merchant in Dundie, John McAlaster Moir, merchant, Donald McIlle VdMerkie, merchant; Thomas Vaus, burgess of Inverness; Donald McUriequie, merchant in ; Donald Fouller, elder and younger, William Mono, burgess of Tayne; and Robert Cruikshanke, burgess of Aberdeen, have frequently contravened the complainant's commission since it was granted in 1625 by fishing for pearls without his warrant, and selling the same to all persons at their pleasure and to strangers for small advantage, whereby "the broode of the pearle is spoyled," his Majesty is deprived of the benefit of the same, and the complainant's commission, in respect of which he has been at great charges, made unprofitable. Charge having been given to these persons, and the complainant appearing by Mr. Robert Petrie, his procurator, and the said Donald Fouller, elder and younger, by their procurator, James Gibsoun, but none of the other defenders, the Lords grant commission to the provost and bailies of Aberdeen to meet on the first Tuesday after the 15th of September and take the oaths of the said Donald Fouller, elder and younger, upon their alleged contravention of the said commission and proclamations; and they ordain the remanent defenders to be put to the horn and escheat.

Complaint by Michael Carlill in Cokisfield, as follows:—On June last, as the complainant was coming from the park of Dalswinton toward the place of Drumlanrig for doing his lawful business, George Rig, bailie to the Viscount of Drumlanrig, and Mr. George Douglas, his brother, at the direction of the said Viscount, but for what cause he knows not, apprehended him and took and imprisoned him in the place of Drumlanrig, where they have kept him for a month, and refuse all caution for putting him to liberty. Charge having been given to the said Mr. George Douglas and George Rig, the former complained and produced the complainant, and stated that complaint was made to the said Viscount by Sir John Maxwell of Conhaith that the complainant had stolen some goods from him, and as the complainant dwells in his
bounds, the Viscount, as lord of the regality of Drumlanrig, ordered his apprehension. The complainer replied that he was "one honest and true man," and never stole any goods belonging to the said Sir John; and accordingly he offered himself for trial before any impartial judges within the kingdom. The Lords appoint John, Lord Stewart of Tracquair, Robert, Lord Dalzell, and Sir Robert Gair of Lag, commissioners of the Middle Shires, or any two of them, Lord Tracquair being one, to be judges for trying this case in the burgh of Dunfermline on 14th August next, and meanwhile the complainer is to be liberated, he acting himself in 1000 merks, with John Maxwell, burgess of Dunfermline, as his cautioner, that he will then appear and undergo his trial.

Act of caution by James Cheyne of Arnage in 2000 merks that he will not molest Sir William Forbes of Monymusk, his wife, children, tenants or servants.

Similar act of caution by him in 1000 merks with respect to John Forbes of Leslie.

Another like act of caution by the same in 500 merks with respect to Patrick Rid in Carnabo.

Act of caution by Sir William Forbes of Monymusk in 2000 merks for the indemnity of James Cheyne of Arnage, his family and household, etc.

Act of caution by John Forbes of Leslie in 1000 merks to the same effect.

Act of caution by Patrik Rid in Carnabo in 500 merks to the same effect.

Complaint by William Alexander, merchant burgess of Dundee, as follows:—His Majesty was pleased in consideration of the complainer's great losses at the hands of the Dunkirkers, who robbed him of his ship and goods, and so disabled him from paying his creditors, to grant him a protection for a year from the date of the appending of the great seal thereto, which was on 2nd June last, yet the provost and bailies of Dundee at the desire of James Durhame of Pitkerro, Peter Balmanno of Carlungzie, Robert Murrey, Marjory Gleg, and James Cochrane, burgess of Dundie, her spouse, the complainer's creditors, apprehended him and detain him still in ward in their tolbooth, and part of his debts is a cautionary for Archibald Kid. Charge having been given to these persons, and the pursuer appearing by Mr. John Galloway, his procurator, but of the defenders only James Durhame of Pitkerro, who appeared by Mr. James Durhame, his son, the Lords, after hearing parties, ordain the provost and bailies of Dundie to liberate the pursuer in so far as he is warded at the instance of any of the defenders, he first finding caution to pay what he is due to the said James Durhame before 15th September next or then re-enter to his present ward, where he shall remain, notwithstanding his letters of protection, until he pay the same.
Supplication by Patrick Gaw McFarlane, as follows:—On he was convicted before the Justice for carrying of a pistol when he was on a journey to Argyle with a sum of money belonging to Lord Lorne, and was ordained to pay a fine of £100. This exorbitant sum was only imposed upon him through the misinformation of his party, who gave out that he was worth 10,000 merks, whereas "he is onelie ane meane merchant youth living onelie be his trade and having little or no stocke." He only carried the pistol in his necessary defence in a dangerous journey and never offered violence to any one therewith, and he craves that their Lordships would mitigate the fine. The Lords reduce it to £40.

Supplication by John Ahanna of Scorbie, as follows:—Their Lordships have granted their protection to him to come to Edinburgh to deal with the Earl of Galloway for relief of some debts wherein he is engaged for him. The business cannot proceed without the presence of Alexander Cunningham of Powtown, and as he is incapacitated by reason of some horrnings the supplicant craves a protection for him also. The Lords grant him until Saturday at night.

The Lords extend the protection granted to John Stewart of Coldingham for settling his accounts with Robert Douglas of Blaikester till 6th August next.

"A missive from his Majestie concerning the fishing and the places craved to be reserved for the use of the natives, a copie quhairef were givin to the Burrowes and they required to give their answer thairto on Thursdaiy nixt."

"A proclamation discharging all importation of dollours by land after the first of September, and commanding all persons who sell transport anie goods or commodites into England that they make ane returne of the pryces thairof in good money of the speces and at the rates contenat in the acts of Counsell concerning the course of forrane coyne; and that the salt and coale maisters receive no dollours for their coale or salt after Martimes nixt, but that the pryces thairof be payed unto thame in the speces allowed to have course as said is."

"A proclamatioun commanding all yarne to be sauld be weight after the first of September."

"The Lords ordains the proclamatioun made anent the casting of the ballast in the firth to be renewed, with command to the keeper of the coquet at Culros to take the oath of all strangers arrying within the firth of thair obedience of the proclamation; and if they have contraveneed the same by casting of ballast in the firth. Lykeas the Lords gives commisioun to the Burrowes to caus make a tryell and survey of the estait of the firth betuix and Michaelmes nixt and to report the first Counsell day after Alhallowtide."

"The Lords prorogats the protection grantit to Johne Stewart of Coldingham untill the saxe of August nixt."
“Ordanis the Erle of Wintoun, Belmerinoch, Thomas Thomesoun of Duddingstoun, Harie Nisbitt, Nicoll Udward, Androw Simsoun and the Maister of Worke, to consider the heie wayes betuix and the Sands, and the charges that the reparatioun thairof will require and how and be whome the same sall be repayed, and to report.”

Sedrun—an-Chancellor; St Andrewes, Privy Seal; Wintoun; Lin-lithgow; Perth; Viscount Stirlin; Lord Gordoun; Arekine; Holyrood House, 28th July 1631. Bishop of Dunkeld; Bishop of Ros; Bishop of Dumblane; Bishop of the Isles; Lord Melvill; Lord Carnegie; Lord Naper; Traequair; Secretary; Clerk Register; Advocate; Sir John Scot; Sir Robert Ker; Sir Robert Douglas; Sir James Baillie.

“Forsamekle as the order of baronnetes erected by our soveraine lord and his lait deir father of blessed memorie for fordering the plantatioun of New Scotland wee approvin by the whole Estate of this kingdome at the last Conventiou, and his Majestie understanding by manie reports that come from hence and by the sensibe consideratoun and notice takin thairof by nighbour countreis how weill that worke is begun, his Majestis right trustie cousine and counsellor, the Viscount of Stirlin, his Majesties lieutenant there, having fullie performed what was expected from him for the benefite whilk was intendit by these baronnetis, and his Majestie being verie desirous that he suld not suffer thairin but that both he and others may be encouraged to prosecute the good beginning that is made, his Majestie for this effect is so farre (whatever controversy be about it) from quytting his title to New Scotland and Canada that his Majestie will be verie carefull to mainteane all his good subjects who doe plant thame selfes there and will let none of the baronnetes be anie wayes prejudged in the honnour and priviledges contenat in their patents, but will punishe all that darre presomme to wrong thame thairin, for encouraging of others to take the lyke course as the more acceptable to his Majestie and the neerer to ane title of nobilitie, whairunto that of baronnet is the nixt degree; and ordinames letters to be direct charging officiars of armes to pas and make publicatioun heirof be opin proclamatioun at the mercat croce of the heid burrowes of this kingdome and uthers places neidfull, quhaithernow nane pretend ignorance of the same.”

“The Lords of Secretre Counsell for the better forderance and advancement of the plantatioun of New Scotland gives and grants commissioun to thir presents to Thomas, Erle of Hadinton, Lord Privie Seale; George, Erle of Wintoun; Alexander, Erle of Linlithgow; Robert, Lord Melvill; John, Lord Traequair; Archibald, Lord Naper; David [sic], Bishop of Rosse; Sir Archibald Achesone, Secretare; Sir John Hamiltoun of Magdalens, Clerk of Register; Sir Thomas Hope of Craighall, knight baronnet, Advocate; Sir George Elphinstoun, Justice Clerk; Sir John Scot of...
Scotistarvet, and Sir James Baillie, or anie fyve of thame, without excluding of anie others of the Councell who sall be present, to convene and meet with William, Vicount of Stirline, and the kniights baronnetts, at suche tymes and places as the said Vicount of Stirline sall appoint, and to conferre with thame upon the best means for the fordering of the said plantation, and to make and sett downe overtures thereunto and to present and exhibite thame to the saide Lords to the intent they may allow or rectifie the same as they sall thinke expedient. Followes his Majesteis 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 greet you well. Seing we have seene by ane letter from yow how the order of baronnetts erected by our lati deere father and us for furthering the plantation of New Scotland was approved by the whole Estates of our kingdome at the last Conventioun, and that we understand both by thair reports that come from thence and by the sensible consideratioun and notice takin thairof by our neighbour countreis how weill that worke is begun, our right trustie and weilbelovit counsellour, Sir William Alexander, our lieutenent there, having fullie performed what was expectt from him for the benefite which was intendit for him by these baronnetts, being verie desirous that he sould not suffer thairin but that both he and others may be encouraged to prosecute the good beginning that is made, as we heartillie thanke all suche as have contributed their aid by contracting with him for advancing of the said worke alreadie, our pleasure is that yow seriously consider either amongst yow all or by a committee of suche as ar best affected toward that worke how it may be best brought to perfection; for we are so farre (whatever controversie be about it) frome quytting our title to New Scotland and Canada that we will be verie carefull to mainteane all our good subjects who doe plant thame selues there and lett nane of the baronnetts anie wayes be prejudged in the honnour or priviledges conteamit in thair patents by punishinge of all that darre presomne to wrong thame thairin, that others may be encouraged to take the lyke course, as the more acceptable unto us and the neier unto a title of nobilitie, whairunto that of baronnet is the nixt degree. And if the said Sir William as our lieutenent of New Scotland sall convene the baronnetts to consult togidder concerning that plantation, we heriby authorize him and will yow to authorize him as farre as is requisite for that effect; willing that proclamation be made of what we have signified or of what yow sall determine for furthering that worke, whairof we recommend the care unto yow as ane mater speciallie importing our honnour and the good of that our ancient kingdome. So we bid yow fareweill. Frome our maunour at Greenewiche, the twelue day of Julij 1631."
"Forsameekle as the Lords of Secret Counsell, considering the great skarsetie of his Majesteis proper coyne current within this kyngdome, occasioned by the frequent transport thairof and importing of dollours in place of the same, whairwith the coutrie is now full, and these dollours being of diverse prints, weight and fynnenesse hes course at the appetite of the receiver and delyverer at high pryces farre abone his Majesteis awne monetyes, to the scandall and disgrace of his Majesteis governement, and to the hurt of his Majesteis subjects, who ar abused by thair ignorance of the trew worth and pryces of the saide dollours. And the saide Lords being carefull to obviat and prevent the forder growth and incomming of thir dollours and to provide and forsee by all lawfull meanes whairby the coutrie may be furnished with good monetyes till tyme and occasioun offer a better opportunitie for remedying the present abuse and course of dollours, thairfoir the saide Lords after verie good advice and deliberaion hes thought mett and expedient, concluded and ordained that thare sall be ane restraint of importation of anie dollours be land within this kyngdome after the first day of September nextocone, and that thare sall be the lyke restraint, inhibitioun and discharge of receaving of anie dollours for coale or salt after the first day of November nextocone that in this meane tyme the maistres and owners of the coale heyes and salt panes may give tymous advertisement and warning to the strangers, traders with thame for coale or salt, that they bring no dollours to thame for the pryce of the salt and coale; and for this effect ordains 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 kyngdome and uthers places neidfull that none of thame presoome nor take upon hand to import anie dollours be land within this kyngdome after the first day of September next under the pane of the confiscation of the said dollours to his Majesteis use, besides the forder punishment of the imbringers thairfoir in thair persons and goods at the arbimentre of his Majesteis Counsell. And to the intent the coutrie may be better furnished and provided in good monetyes to command and charge all and sindrie merchants, traffiquers and others his Majesteis subjects, who after the dait heiroff shall transport anie bestiall, goods or commoditives from hence to England, that they in no ways make returne of the pryces of thair saids bestiall and goods in dollours bot in his Majesteis awne prober coyne or in the forrane especes after specified, quhilks by former acts ar allowed to have course within this kyngdome at the pryces and in maner following, viz., the Spanish pistolet, weighing twa deneirs and fyftene graynes, for four pundis sevin shillings sax pennees; the Frenche crowne, weyghing twa deneirs and fyftene graynes, for four pundis nyne schillings; the Rose noble, weyghing fyve deneirs and twentie twa graynes, for ten pundis ten shillings; the half rose noble, weyghing twa deneirs and twentie twa graynes, for fyve pundis foure shillings; the quartidiskue,
weyghing sevin deneirs twelife graines, for nyntene shillings, and the Acta January 1651-May 1652
single ryall, weyghing twa deneirs fyfte graines, for sax shillings aucht penneis; under the pane of the confiscation of the saids dollours and Fol. 81, b.
of all other forrane species whairin the said returne sall happin to be made contrare to the tenour of this proclamatioun. And siclyke to command, charge and inhibite all and sindrie maisters and ownrrs of coale hewes and salt panns within this kingdome that nane of thame presoome nor take upon hand to receave anie dollours for coale or salt after the said first day of November nixtocebot that the pryces thairof be payed and delyvered unto thame in the species abone-
mentiouned having course at the rate and pryce before exprest under the said pane of confiscation of the dollours and punishment of the parteis receavers of the same at the arbitrement of the Counsell: Com-
manding heirby his Majesteis Thesaurar and Deputie Thesaurar to caus diligent inquirye and searche be made that no dollours be imported within this kingdome after the tymes respective appointed to that effect, and if anie sall be apprehendit to seiace thairupon and to confiscat the same to his Majesteis use, and that they use thair best care and diligence for tryell and discoverie of the persons imbringers of the saids dollours to the intent they may be callit, persewed and punished in maner abonewrittin."

"Forsameeckle as the trade and industrie of making of yarne and buying and selling of the same both within and without the kingdome thir diverse yeeres bygane hes provin verie profitabile to the countrie, and so long as it was faithfullie and trewlie used it wes a speciall meane whairby moneyes and other necessar commoditeis wer imported and manie poore people haldin at worke; bot within thir few yeeres there is suche fraude and deceate used by the commouns in not using the first lenth of the reill and in abstracting of the trew number of the threide allowed for the hespe and cutt that there is now no trust at all given to the yarne of this kingdome, and there is little or no dispatche for it ather within or without the countrie to the great discreditie of the countrie and hurt of the subjects who formerlie traded with yarne; for preventing of whilk deceate and fraudue in tymne comming the Lords of Secret Counsell hes thought meit and expedient, concluded and ordained that after the last day of August now approacheing none of the yarne of this kingdome sall be sauld bot be the weight; and for this effect ordains letters to be direct to make publicioun heirof be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and uthers places neiddfull, and to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that nane of thame presoome nor take upon hand after the said last day of August to sell anie yarne within this kingdome in small or great quantitie bot be the weight, under the pane of confiscation of the yarne so to be sauld; and to command all magistrates to burgh and land that they and everie one of thame within thair severall bounds, offices
and jurisdiction caus diligent care and attendance to be givin that no yarne be sauld within this kingdome bot be the weight; and where they sell deprehend anie contraveening this present act that they meddle and intromitt with the yarne, confiscat and escheit the same, the ane halfe to his Majestie and the other halfe to the deprehender, as the saids magistrats will answere upon the dewtfull discharge of their offices.”

“Forsameekle as the river and water of Forth abone the Quenisferrie Proclamation forbidding the casting of ballast into the Forth.
is farre spoyled and hurt on both sides thairof by the frequent casting of ballast within the same, quhairthrow the water is so filled with sand and stanes as it is become verie unsure for the shippes to anker and ly at, and if some present course be not tane for preventing this uncontrolled libertie, quhilk als weill natives as strangers hes tane and takes to cast thair ballast in the Firth, the said river, whilk is the speciall river in this kingdome where trade with shipping is most frequented, will in short tyme become in desuetude throw the insufficiencie thairof for shippes to anker and ly at, to the great reproache and scandal of the countrie. Thairfoir the saids Lords ordains letters to be direct to command, charge and inhibite all and sindrie awners and merchants of shippes and vessellis, als weill strangers as the natives of this kingdome arryving within the firth for coale, salt or anie other commoditie, be opin proclamatioun at the mercat croces of Edinburgh, peir and shoare of Leith, and at the mercat croces of Culros, Burrownstounesse and others places neidfull, that nane of thame presoome nor take upon hand at anie tyme after the publication heirof to cast thair ballast in anie part of the firth bot at suche speciall parts and places thairof as sall be designit unto thame be the awners of the coale and salt fra whome they sall reseave thair loading under the panes following, to witt, everie shipp of fourtie tunne of burdein and abone under the pane of twentie pundis, and everie shipp and other vessell within that burdein under the pane of ten pundis so oft as they or anie of thame sall happen to failye; and to command and charge the awners of the coale hewes and salt pannes upon the said water that they and everie ane of thame respective at the arryval of anie shipp or other vessell to buy thair coale and salt visite and sight the saids shippes and vesseils if thair ballast be cassin in convenient places where they may cast thair ballast without hurt to the river, and that they have a speciall care that the ballast be cassin in no other part nor place bot in the places to be designit, as said is, under the pane of ane hundreth pundis to be incurred be everie persoun so oft as they failye. And siclyke to command and charge the keeper of the cocquet at Culros that he take the oath of all strangers arryving within the firth of thair obedience to the said proclamatioun, and if they have contraveened the same by casting of ballast in the firth, and that the said clerk of the cocquet delyver no cocquet unto thame till they give the said oath, as he will answer to the saids Lords upon the dewtie of his office,”
“Forsameekle as the Kings Majestie, out of his royall and princelie regarde of the weale of this his ancient kingdome, being carefull to forset all occasiouns for preventing anie inconvenient that may come by leading of teinds this yeere, his Majestie for this effect gave direction to the commissioners nominat be his Majestie for the treatie anent the Surrenders and Teinds to take some course that the heretours might leade the teinds of their awne lands according to the valuations made or to be made, they paying or securing their teind maisters for the same, especiallie where the titular being callit was found and declared to be in default of the not valuation of teinds; quhairupon sindrie titulars and heretours being lawfullie conveenned before the saids commissioners, and they having takin tryell in some particulars concerning this busines, a part of thame hes beene discust, but the shortenesse of tyme and manie great occasions of his Majestie effaires and service in the meane tyme interveening imped and stayed the commissioners to discusse all the citatious and warnings givin to that dyet. And whereas some mistaking might be apprehendit be his Majestie subjects of his Majestie gracious and royall intentioun anent the mater of the teinds as if his Majestie intendit that everie heretour sould leade his teind without respect to the valuations and in whois default the not valuations hes proceddit, thairfor the Lords of Secret Counsell for preventing of suche mistakings and for cleeering of his Majestie subjects of thair doubts in this point hes thought meit heireby to signifie and declare that none of his Majestie subjects whatsonever ar warranted by his Majestie to leade thair teinds this present yeere bot suche as hes beene in use of leading thir diverse yeeres bygane and hes beene heard before the saids commissioners and by thame hes beene allowed to doe the same; and thairfor ordaine letters to be direct to command, charge and inhibite all and sindrie his Majesties lieges and subjects be opin proclamioun at the mercat croces of the heid burrowses of this kingdome and others places neidfull that none of thame presoome nor take upon hand to leade thair teinds this present yeere except suche persons as hes beene in use of leading thair teinds thir diverse yeeres bygane and suche as hes beene warranted be the saids commissioners to doe the same, they fulfilling to the titulars the conditionouns prescryved to thame, under all highest pane, cryme and offence that they may incurre aganis his Majestie in that behalf, and to be callit, persewed and punished as disturbers of the publict peace and quyetnes of the kingdome.”

“Forsameekle as the hie way betuix the Clockmynel and the Sands of Leith is verie farre worne and become impassable for man or hors in tyme of winter, and being the speciall passage to and fra Edinburgh whereby all kynde of vivers are brought into the same, the imbringing of the said vivers is now verie farre interruptit and hindered be the insufficiencie of the said way; thairfor the Lords of Secret Counsell hes givin and grantit, and be the tennour heirof gives and grants, full power
and comission to George, Erle of Wintoun; Johne, Lord Balmerinoch; James Murrey, Maister of his Majestis Workis; Sir Thomas Thomesone of Duddingstoun; Henrie Nisbit, portioner of Restalrig; Nicoll Udward, and Andrew Simsone, bailies of Edinburgh, to consider the said way and the charges that the reparatioun thairof will require, and how and be whome the same sall be payed, and to report their judgement and opinion heerant to the saids Lords upon the twentie ane day of September nixt."

"The whilk day Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome during the minoritie of the Duke of Lennox, reported to the Lords of his Majestis Secret Counsell how that upon informatiooun made to the Lord Kintyre of some pyrates resorting in the west seas be whome his Majestis good subjects wer daylie infested and their goods spoyled and takin frome thame the said Lord Kintyre directed and sett furth to sea ane great boate weil manned and appointed with all warrelile furniture, who rancontrewing with one of the pyrat shippes they entered in persute of the same and after ane sharpe and cruel conflict whairin some wer killed they tooke the said pyrat ship with of her companie who wer delyvered to the said Admirall to underly their deserved punishment. Whiche reporteing be heard and considdere be the saids Lords and they acknowledging the said Lord Kintyre his honourable and worthie cariage in the mater abonewrittin, the saids Lords finds and declares that the said Lord Kintyre and his freinds and servants imploved be him for persute of the said shippes has done good and acceptable service to his Majestie and the Estait in taking of the said shippes and exhibitiou to the Admirall of some of the companie of the same, and exoners and discharges the said Lord Kintyre, his servants and others foresaids of all pane, cryme, or offence that may be impute unto thame for persute and taking of the said shippes, killing of anie of the companie of the same and presenting the rest to justice, and declares thame free thairof in tyme comming."

"The Lords of Secreat Counsell recommends to the commissioners for the Burrowes to convene everie ane of thame within their awne towns and to take thryll of the expedience of erecting of lights upon the Skairheids and the May, and to report their reasouns pro et contra upon the twentie ane day of September nixt."

[Sederunt as recorded above.]
letters, however, were suspended upon their offers of obedience and caution. She expected them to have obtained possession of the lands, but the said persons have not removed and will not. She accordingly raised letters to compel the Sheriff of Stirlone to enforce the law, and so John, Earl of Mar, as sheriff, being thus charged, caused Robert Stewart of Culbeg, one of his deputes, to take action. He, on 6th July instant, went to the place of Bandallache for this purpose, but notice having been conveyed to George Buchanan, apparent of that ilk, he collected a number of his own tenants and of other people, chiefly rebels and soldiers, and arming them with muskets, hagbutts, and other invasive weapons, he placed them in the house of Bandallache, furnished it with provisions and ammunition, and gave these persons strict orders that if any approached the house to force an entrance, they should immediately discharge their muskets and hagbutts at them. They also carried up with them to the wall head a number of great stones to throw down upon those that came near. The said George himself "walked up and down the greene foreanent the yett in contempt of the said shireff depute," who having told him his object in coming and that he behoved to obey, was answered by him disdainfully, that he would keep that place and render it on no condition. The sheriff depute having then ordered "to brasche the yett with forehammers," the said George told him that he would do that at his peril, and called up to his men to cast down the stones upon the sheriff depute and discharge their weapons, meanwhile uttering disgraceful speeches against the sheriff depute, who, being thus violently deforced, gave way. The Lord Advocate appearing personally, and Lady Glengarnock by Mr. William Cunninghame of Broomehill, but not the defender, the Lords after hearing the evidence of witnesses, find that the said George Buchanan deforced the said sheriff depute by crying to his servants to cast down stones upon him, which they accordingly did, and by presenting pistoles at him, for which insolence they ordain him to be charged to enter into ward in the tolbooth of Edinburgh within six days upon pain of rebellion; and if he fail to do so to put him to the horn and escheat.

Complaint by George, Earl of Crawford; John, Earl of Kinghorne, James, Lord Ogilvie, and Alexander, Lord Spynie, for themselves and in name of their friends, tenants and servants dwelling within the shireffdom of Forfar, and by the provosts, bailies, and inhabitant of the burghs of Forfar, Arbroth, Brechin, and Monrose, as follows:— Throughout the whole kingdom, in all the shires, the sheriff courts are held within the head burgh thereof, and by law the sheriff clerks are required to reside within the said burgh. Now, the burgh of Forfar is the head burgh of the shire of Forfar, "standing almost in the verie heart and middes of the shiref dome," is the most commodious place for holding the sheriff courts, and has in all times and ages bygone possessed the liberties, freedome and privileges proper and due to other head
burghs, and these should not now be refused to the complainers; yet
Thomas Fotheringham of Powrie, present Sheriff of Forfar, whose
dwelling-house is very near the burgh of Dundie, and whose present
dwelling is within that burgh, for his own ease, and the ease of his
deputes and clerks, who also reside in the said burgh, has commenced to
keep the sheriff-court there, so that the complainers are obliged to travel
twenty or thirty miles, by which they are heavily prejudged; and this
notwithstanding that their Lordships by their former decree had ordained
the said Sheriff to keep his courts at the burgh of Forfar. Parties being
cited, and the said Lord Ogilvie and Lord Spynie appearing for them-
selves and the Earl of Crawford, and their friends, tenants and servants,
and Mr. David Persoun, clerk of Forfar, appearing for the rest of the
pursuers, the said Sheriff being also present as defender, the Lords find
that, according to the universal custom of the kingdom, the sheriff
courts of Forfar ought to be held within the burgh of Forfar as the
head burgh of the said shire, and they ordain the said Sheriff and his
successors in office to keep their courts there in all time coming, without
prejudice, however, to the provost, bailies and council of Dundie
raising an action of reduction on account of their not being cited to the
giving of this decree: and further, notwithstanding of the premises, they
allow the defender, during his term of office, to hold his courts within
the burgh of Dundie.

The Lords of Privy Council, by warrant from his Majesty, gave
Mr. Alexander Gledstains, moderator of
directions for making a general collection on behalf of the distressed
the Presbytery of
ministers of the Palatinate throughout all the kirk's of the kingdom, and
St. Andrews,
the money uplifted in each parish was to be delivered to the moderator
others put
of each presbytery to be by him paid to George Suttie and William
the horn
Gray, merchants in Edinburgh. Now, the moderators and ministers
and escheat for
within the diocese of St. Andrews have greatly neglected their duty in
not delivering
this matter, and have not delivered up the money collected by them,
the subscriptions
and so disappoint those for whom it was collected. Charge having
raised for
been given to Mr. Alexander Gledstains, moderator of the presbytery of
the collectors
St. Andrewes; Mr. Thomas Baxter, minister at Denbuge, moderator of
appointed by
the presbytery of Cowper; and Mr. John Malcolme, moderator of the
the Council.
prebytery of Perth, to send in their money as directed, and, if not, to
appear this day to answer upon their refusal, and the said ministers
neither appearing, nor having sent in their money, as was affirmed by
the Bishop of St. Andrewes, who was personally present, the Lords
ordain them to be put to the horn and escheat.

Complaint by Robert Murrey in Brigame, servitor to the Earl of
Home, as follows:—About a year ago one Adam Hay, indweller in
Fairburnemynline, also servitor to the said Earl, cruelly slew George
Murray, the complainer's father. The complainer used all legal process
against the said Adam for this deed, but he refused to submit and in
passed to the horn; and, besides this, has often pursued the complainer.
for his own slaughter. Considering himself very badly used by one who had slain his father, the complainant on said Adam's dwelling in order to apprehend him and present him to justice, but in resisting apprehension he was unhappily slain. Thereupon the said Earl of Home apprehended the complainant, and bringing him to Edinburgh imprisoned him in the tolbooth, promising to support him there until his trial should take place; but though he has now been in the said ward one month, the complainant has not received any support from the said Earl, and he will not put him to his trial, so that he is like to starve in his place of imprisonment. Charge having been given to the said Earl, who compereed, and the pursuer compereing by James Murrey, younger, of Philiphaugh, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to liberate the pursuer, who has found caution in 500 merks to appear before the Justice and underly his trial for the said slaughter.

Act of caution by Francis Ogilvie of Newgrange in 2500 merks that James Ogilvie, his son, will not molest Sir Harry Wod of Bonytoun, nor his household and tenants, etc.; and the Lords discharge all former acts of lawburrows found by either party to the other.

Act of caution by Sir Harry Wod of Bonytoun, for Patrick and David Wod, his sons, that they will not molest Francis Ogilvie of Newgrange, nor James Ogilvie, fiar thereof, nor their families and tenants, in 2500 merks for Patrick and 1000 merks for David, with a discharge of former acts, as above.

"Ane missive from his Majestie for continewing of the Parliament till the xiiij of Aprile."

"Ane Act allowing the Viscount of Stirline to conveene the baronnetis at suche tymne and place as he sall thinke fitt for consulting anent the plantatition."

"The next Counsell day the 21 of September at Perth."

"The Lordis ordainis McClane of Lochbuy, who was personalie present, to remane within Edinburgh till by sight of the Lord Carnegie, the Bishop of Ros, and Advocat, or ony tua of thame, he gif satisfactioun to his minister and be dimitted be thame, and incaise of his not satling, to remayne till the next Counsell day."

"The Lordis ordainis Lochbuy to repair to churche and to caus his tennentis to kepe the churche and to do all duetic to their ministeris, whilk he promeist to performe."

"The Lordis ordainis the commissioneris for the Burrowis who we present to conveene amangis thame selfis and to advyse anent suche places as they crave to be reserved for the fisheing of natives without the whilk the cuntrie cannot subsist, and to be present heirupoun the 20 day of September to the intent they may reporte upon the 21."

"The quhilk day Lauchlane McClane and Lochbuy gaff their con- peirance befoir the Counsell;"
The Lordis ordainis the Bishopis of Dunblane, Ros and Ilis, the Lord Lochbuy, Carnegie, the Secretair and Advocat, to convene the morne at ten of the cloke and to deale and travell betuix Lochbuy and his minister for satling of thair differenceis and to reporte."

"A commission to the Erle of Linlythqw for taking of Skethmure, with power to cary hacquebutia."

"After our very heartilie commendationes. Yow will perceave by this inclosed coppye of his Majesties letter how solist and careful his Majestie is to have this matter of the fishing, quhilk importis this kingdome so neerlie in wealth and credite and wherein so grit paynis hes bene takin this year bygaine, to be brought to some good conclusion, and how earnestlie his Majestie hes recommendit the same unto us, for whose satisfactioun in this point we have appointed ane meeting of some of the barronis and burrowis to be here at Perth upon the xxi day of September nixoctome and we have written unto them to keep this dyet. And whereas yow ar one who formerlie wes nominat to be upone this treatie we will request and desire yow earnestlie to keep this dyet precisialie and to be there upone the tuentiye day of the samyn moneth to the intent yow mey be prepared and readie upone the morne therefter to convene and meet with the rest who ar to be upone that treatie and to concurre and joyne with them by thair best advice and counsell to bring the same to a finall conclusion. Whilk looking assuredly yow will doe as yow respect his Majestis pleasuir and contentment, we commit yow to God. Frome Halyrudhous, the tuentiye eight day of Julij, 1631. Sic subscribitur, Geo: Cancell', Haddington, Winton, Pa. B. of Rose, Napeir, Scottistaruett."

Sir Harie Wod of Bonytoun and Francis Ogilvie of Newgrange, compairing personally for themselves and taking burden upon them respectively for their sons, submitted "all questions, greeffes, eylisse, and displesures standing betuix thame, with the ground, caus and occasion" thereof, to the arbitration of their friends, John, Earl of Kinghorne, Grahame of Fintrie, and Sir John Carnegie of Ethie, or any two of them for the part of the Laird of Bonytoun, and to Alexander, Lord Spynie, Lyoun of Aldbar, and Sir Patrick Ogilvie of Inchmartine, or any two of them, for the part of the said Francis Ogilvie, and in case of variance between them to George, Viscount of Dupline, Lord High Chancellor, and Thomas, Earl of Hadintoun, Lord Privy Seal, as oversmen chosen by both parties. They appoint their first meeting to be at Dundie on 9th August next, and agree to abide by the decision of the said arbitrators and oversmen without appeal. The Lords ordain that this submission shall stand in force until 25th December nixoct, but give power to the said oversmen to continue it thereafter for such time as they may think expedient.
Supplication by Josias Stewart of Bonytoun, as follows—During the period of the late protection granted to him by their Lordships he has been very careful to satisfy his creditors and has made good progress therein, but the expiring of his protection disables him from bringing the work to a conclusion, and he therefore craves an extension. The Lords grant him till 1st November next.

Sederunt—Privy Seal; Wintoun; Gallouay; Viscount Stirlinę; Acta January 1631-May 1632.
Lord Gordoun: Lord Melvill; Lord Carnegie; Naper; Traquair; Bishop of Ros; Bishop of Dumblane; Bishop of the Yles; Secretary; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir Robert Ker; Sir Robert Douglas; Sir James Baillie.

"The Lords of Secret Counsell remitts to Johne, Lord Stewart of Traquair, Deputie Thessaurar, with the advice of the provest and bailleis of Edinburgh, to take order for the tryell of the goods and geir brought from Wakefield be Thomas Thomesone in Aberdin in respect of the suspicioun of the plaque in these parts and of the proclamatioun direct thairupon."

"The whilk day George, Lord Gordoun, compearand personallie before the Lords of Privie Coussel, tooke the twente one day of September niext for exhibitioon of M Gregour and his wife, Gordoun sonne to Andreugnie and his oyses alive, Crookeschank aluye, Ridhead and Johne M Eane Duy in Badzenoch, to answer for the away taking of Frendraughts goods, to whome and to such others as the said lord will undertake to exhibite the Lords grants warrand and protection aucth dayes before the day of compeirance and for aucth dayes thereafter."

"The Lords of Secret Counsell, having heard the report of the Burrowes anent the course tane be thame tuicheing M David Wedderburne his grammar, whairby they have ordained twa hundreth copies thairof to be printed and the same to be distributed and givin to learned men to make their observations thairupon, the saids Lords allowes of the course foresaid and accordinglie ordains twa hundreth copies of the said grammar to be printed and to be distributed and givin to learned men to make their observations thairupon, and to report thair judgement concerning the same to the provest and bailleis of Edinburgh to the intent they may present and offer the saids observations to the saids Lords to be delveryed [sic] and considered of be suche as they saill appoint to that effect, and allowes and ordains the provest and bailleis of Edinburgh to cause affixe and sett up a programme to the effect foresaid."

[Sederunt as recorded above.]
follows:—On the 22nd July instant, being the fair day in Sanquhar, when the bailies of Sanquhar caused him to be apprehended and imprisoned in their tolbooth, where he still remains, though he has committed no crime nor offence. Charge having been given to Thomas Greirsson, provost, and Laurence Davidsoun and Andrew Stewart, bailies of Sanquhar, to comppear and produce the complainer, and the said bailies producing him this day, and explaining that they had committed the pursuer to prison for hurting and wounding of John Carmichael and James Dalzell, the Lords, having heard parties, ordain the said bailies to liberate the pursuer, seeing that Sir James Dowglas of Morvington, who was present, has become surety in 2000 merks that the pursuer will appear for trial on the above charge before the Justice and his deputes on being lawfully cited thereto.

Similar complaint by John McOnell in Woodend, who being also produced by the said bailies of Sanquhar, was declared by them to have been warded for the same cause, and that the two wounded persons are in danger of their lives. The Lords likewise ordain the said bailies to liberate him, seeing Robert Lorimer in Dunduff, William McCall in Halescar, and James Barber in Thristoun, who were all present, became sureties for his appearing for his trial as above, under the penalty of 1000 merks.

Complaint by Patrick Caddell, indweller in the Cannogait, as follows:—Complaint by Patrick Caddell, indweller in the Cannogait, against Archibald Glen for non-payment of a debt of 100 merks, caused Andrew Simsoun, bailie of Edinburgh, apprehend the complainer, and he is now for this cause warded in the tolbooth of the Cannogait, although on being formerly warded by Glen for this debt in the said tolbooth, and having pursued him for his liberty before the Lords of Session, Glen then declared by his procurators that he passed from all personal execution against the complainer, who was therefore set at liberty, as the decree here produced attests. Charge having been given to the said Archibald Glen, and also to the said Andrew Simsoun, for himself and the remnant magistrates of Edinburgh, and Glen compearing personally and the pursuer, being produced by some of the burgh officers, having shown the decree by the Lords of Session, dated 23rd February, 1622, to the effect abovementioned, viz., that Glen “sought no personal execution againis the said Patrick Caddell upon this pursuite but onellie againis his goods,” the Lords ordains the pursuer to be put to liberty.

Complaint by Harbert Hannay, tenant to John Moffat in Craignputtock, as follows:—He has been detained in ward in the tolbooth of Edinburgh for the past eight days on a horning at the instance of Mr. David Blacke, minister at Dunscrore, for failing to appear before their Lordships to answer to a charge of “casting doun of the kirk lawer
the tyme that the said M' George was baptizing ane barne," and he
pleads that he should now be relaxed as he has given full satisfaction to
the Kirk Session of Dunscore and to the said Mr. David, for which he
has their certificate and discharge, and he has also found caution in their
Lordships' books in 300 merks that he will appear for his trial, and pay
20 merks for his escheat if found liable therein. Pursuer compreing
and also the said Mr. David Blacke, who produced the process of horning,
the Lords suspend the same, and remit the trial and punishment of the Fol. 260, a.
offence libelled to the Lords of the High Commission, before whom
the said pursuer enacts himself to appear when cited under the penalty
of £100.

Complaint by Bessie Lindsey, wife of David Bowman of Soudons,
as follows:—In October, "the said David tooke ane great rung
and thairwith having unmercifullie givin her ane number of straikes,
and she having griped and held the rung, he drew ane sword and
thairwith gave the honest woman ane deidlie strake upon the fore-
brow to the perrell of her lyfe and great effusion of her blood
whairwith she fell deid and lay sevin houres upon the ground as
ane deid person and thereafter she lay under the care of chirurgians
ane long space; with the quhilk and monie other insolences is the com-
pleaner having patientlie comported and used the mediatioun of the
ministrie to move him to ane dewtifull cariage, nevertheless upon the
sixteene day of Julij last he tooke ane rung and thairwith having
strickin her to the ground and cruellie birsed and bruised her haill
bodie, he trumped upon her with his feit, and when she had happilie
gayned ane chamber and locked the same upon her selfe for saulfetie
of her lyfe, and he perceaving that he could not gett entrie at the
doores, he ranne to the hous abone, rave up the lofting and come doun
upon her and with his rung most cruellie strake her and never ceased
untill he thought she had beene deid, and she being lying swowning
upon the floore he turned him about and barbarouslie and shamefullie
pissed in the honest woman's mouth whairby he had suffocat her if his
servant had not happilie come up and helped her; quhairupon she
being layed in her bed not being able to stirre the said David come to
her upon the twentie sevint of July last at night, harled her out of her
naiked bed doun ane high staire and shott her to the yett and forced
her to ly in her sarke that night in the yaird of Sowddons and
locked the yetts, having first cruellie hurt and woundit his servant." Both
tories compreing, and the said David having "grantit and
confest the whole points of the complaint libelit," the Lords ordain him
to be warded in the tolbooth of Edinburgh, "and to be layed in the
ynes" until he be released.

Complaint by Walter Ochiltrie, baker outwith the West Port of
Edinburgh, as follows:—John Stevinsoun, bailie there, on 20th July
last fined him £5, and warded him till he paid the same, and then again
on the 29th he imprisoned him of new within the tolbooth and detains him there "as ane thefie or traitour but light or companie." Moreover, daily before his incarceration the said John, Patrick Rid (or Rae), deacon of the bakers there, Thomas, John and Alexander Purves, John and Thomas Adamsoun, Thomas Wilsoun, and Daniel Young sought for him in order to slay him, and they forcibly debar him from working at his said calling. These persons being cited, and the pursuer compairing, being produced by the said bailie, and all the defenders, except Thomas Wilsoun and Daniel Young, also compairing, and having been heard, the Lords ordain the pursuer to be put to liberty, and remit the trial of the dispute between parties to Patrick Dowglas, deacon of the "baksters" of Edinburgh, and James Simson, deacon of the bakers of the Cannogait, who are to settle the matter as they shall think expedient.

Supplication by the provost and bailies of Jedburgh, as follows:—Supplication by the magistrates of Jedburgh that Robert Ker of Fermoington, a prisoner in their tolbooth, may be warded in the Tolbooth of Edinburgh.

Some years ago Robert Ker of Fermoington was committed to ward within their tolbooth for a debt of 400 merks, but shortly afterwards he made his escape, whereupon his creditors sued them before the Lords of Session, and compelled them to pay this sum. The said Robert is now once more imprisoned in their tolbooth for a debt of over 8000 merks, and as they are informed he means to make another effort to escape, in which, if he succeed, he will undo their town by their being compelled to pay this other debt, they are forced to maintain a watch both day and night. They therefore crave permission to bring him into Edinburgh, and deliver him prisoner to the keeper of the tolbooth there, with a note of the arrestments made upon him in their ward of Jedburgh, that he may remain there upon his own expenses until released. The Lords grant the prayer of the petition, and command the provost and bailies of Edinburgh and the keeper of the said tolbooth to receive the said Robert from the suppliants or those who may have the charge of his convey within three hours after he is presented to them, as they will answer at their peril.

Supplication by Alexander Crawfurd, Andrew Sinclare, and John Ker, indwellers in Edinburgh, creditors of John Lands, merchant burgess of Edinburgh, as follows:—The said John Lands is indebted to them in several sums of money, and he is both able and willing to satisfy their claims, and those of others, if their Lordships will grant him their protection for the security of his person till he dispose of his lands in Edinburgh and Leith, and in the barony of Brouchtoun for this effect. They therefore crave their Lordships' favour to him in this respect, because some of his creditors, whose interest is not very great, refuse to consent to the proposed arrangement. The Lords grant him till 23rd September next.

Supplication by Robert Livingstone, merchant burgess of Edinburgh, as follows:—He has lent his whole means, over 12,000 merks, to Sir David Livingstone of Donypace, and he is otherwise engaged as cautioner for him, in consequence of which he is so placed that he dare
not remain in Edinburgh to attend his calling. Sir David is now engaged in selling his lands, upon which the petitioner has some comprisings, and he craves their Lordships' protection for some certain space. This the Lords grant to him till 23rd September next.

Supplication by Margaret Corsebie, indweller in Edinburgh, widow of Ramsay, burgess there, as follows:—Out of her affection to Katherine Ramsay, her daughter, and James Chaplane, her son-in-law, she became cautoner to for 200 merks, and regularly paid the interest of this sum for years, being unable to repay the principal. The debt has now been assigned to one James Wilson in Glasgow, and he has raised horning and caption against her thereupon, threatening to imprison her “and so to bring her gray haires to the grave with sorrow.” She craves their Lordships’ protection, and this they grant until 23rd September next, provided she pays the interest of the said sum at the ordinary times to the said James.

“The protection granit to Johne Stewart of Coldingham for fitting of his compts with Robert Douglas, continued to the 23 of September next.”

“The protection granit to Johne Trail of Blebo for fitting his compts with his uncle continued to the said day.”

Supplication by David Vaus, sometime of Blance, as follows:—Their Lordships are aware of the trouble and misery he has sustained in connection with his actions before the Lords of Session against the deceased Mr. George Butler, who having meddled with his whole estate, exposed him to the rigour of his creditors, and he was imprisoned by them until he had assigned to them all benefit that might accrue to him from these actions. These are now under submission, and when they are fully settled his creditors will obtain satisfaction; but some of them “cannot in patience await the conclusion of the submission.” He is therefore obliged to have recourse to their Lordships and to crave their protection; and this the Lords grant to him till 23rd September next.

“The protection granit to Johne Ahanna of Sorbie and his sonne for dealing with thair creditours continued to the twelffe of August instant.”

Supplication by Andrew Andersoun, hatmaker, burgess of Edinburgh, as follows:—Their Lordships lately granted their protection to him for going about the country and gathering his debts in order to pay his creditors, but the time, which was short, has expired, and he “hes gottin no outfait of his bussines.” He therefore craves a renewal of his protection; which the Lords grant until 23rd September next, he always paying his annualrents.

“Charges againis the burgesses who ar upoun the Commission for the Teindis.”
“Charles R., Right trustie, etc. We are informed that at Sir James Farnham, 2nd August 1631.
Sinclair, knyght and colonell, his first undertaking of imployment for the lait service of our uncle, the King of Denmarke, and some of his freinds did enter in band to William Dick for leveying of moneys for that purpose, having besides ingaged unto him diverse evidents for the same, and understanding by your letter unto us that the said Colonell had both used his best endeavours in that service and hath therein trewlie bestowed the whole moneys receaved by him, we thinke it unreasonable (seing as we are informed these moneys ar otherways allowed unto the said William) that the said Colonell and his freinds sould now suffer therein; therefore our pleasure is that yow call William Dick before yow and (if yow do not find a sufficient resoun to the contrair) that yow caus him discharge the said Colonell and his sureteis of all moneys for which they stand bound for that imployment, and to deliever backe to him what pawnes wer delyvered unto him tuicheing that purpose; for which these presents sall be unto yow a sufficient warrand. From our Court at Farnham, 2 Augusti, 1631.”

Sedunt—Hadintoun; Stirline; Tracquair; Bishop of the Isles; Edinburgh, 4th August 1631.
Secretary; Sir Thomas Hope; Clerk Register; Justice Clerk;
Sir Robert Ker.

“Forsameekle as the Kings Majestie hes writtin his princelie directiouns unto the commissioners of his Parliament to prorogat and continue the same unto the threttene day of Apryle nixtocomo, whairby his Majestie may have some more tyme and leasure to be heere in persoune at his said Parliament to receave his crowne for the peace and securitie of this his native and ancient kingdome, thairfor the Lords of Secret Counsell, according to his Majesteis expresse command and directioun sent unto thame, ordains letters to be direct charging heraulds, pursuavants and messingers of armes to pas to the mercat croce of Edinburgh and others places neidfull, and there be opin proclamioun to make intimation to all his Majesteis lieges and subjects that the said Parliament is prorogat and continnewed to the said threttene day of Apryle nixtocomo, and to warne all prelats, noblemen, commissioners for the barons and burrowes, and all others having place, vote or owing attendance in the said supreme court of Parliament to attend and await upon the same the day foresaid with continuation of dayes, and to doe and performe all and sindrie suche things as to their places and offices apperteanes, with intimation as effeirs. Followes his Majesteis missive for warrand of the act abone-writtin:—Charles R. Right trustie and right weilbelovit counseine and counsellor, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellers, we greet yow well. Whereas we have writtin our princelie directioun unto our commissioners of Parliament to prorogat and con-
tinew the same unto the threttene of Apryle whairby we may have some more tyme and leasure to be there in persoun at the said Parliament and to receave our crowne for the peace and securitie of that our native and ancient kingdome, our pleasure therefore is and we doe heirby authorize, will and require yow that after the said Parliament be prorogated and continued yow caus intimat the said prorogation and continuacion to all our good lieges within our said kingdome by opin proclamation at the mercat croe of Edinburgh and others places neidfull, andwarne all prelats, noblemen, commissioners for barons and burrowes, and all others having place, vote or owing attendance in the said supreme court of Parliament to attend and await upon the same the foresaid day with continuation of dayes, and to performe all and sindrie such other things as to their places and offices doeth appertene. And for doing of the premises these our letters sall be your sufficient warnand and discharge in that behalfe. So we bid yow fareweill. From our mannour at Greenewiche the elleventh day of Julij, 1631."

Charles R., Right trustie, etc. Whereas we have bene pleased to grant unto our trustie and wellbelovit servant, Sir Alexander Home, knight, the favour of our royall protection that he may freellie repaire unto Scotland for settling his affaires, whiche he cannot convenientlie doe without the concurrence of his father, Sir George Home of Manderstoun, in whois behalfe we have lykewise signified our pleasure unto yow that he might have libertie to come in publict for prosecutioon of the treylls of certane persons delated as guiltie of devilish practises againis his lyfe and estait, whiche (as we ar informed) ar not yitt brought to a finall period, therefore als well for our said servants better furtherance in the settling of his affaires as also that the said Sir George may be able to bring the saids treylls to a full conclusion, we ar heirby pleased to recommend him to yow that he may have suche further libertie to come in publict as yow sall thinkése requisite for the one and the other. And so we bid you fareweill. Frome our Court at Oatlands the eight day of August, 1631."

The whilk day, Thomas, Erle of Hadintoun, Lord Privie Seale, exhibite and produced before the Lords of Privie Counseil ane patent under his Majestie's great seal bearing dait at Oatlands, the last day of July last ypast, by the quhilk patent his Majestie was pleased in remembrance of the manie great services done to his Majestie be his right traist cousine and counsellor, William, Erle of Monteith, Lord Kilpont,
to ratifie and approve the title, honour, precedence, dignitie and place of Erle of Stratherne in the person of the said Erle of Monteith and his airs male specified in the said patent as airs of lyne to umquhill David, Erle of Stratherne, stone to umquhill Robert the Second, King of Scotland of happie memorie, ordaining the said Erle and his airs male foresaid to be callit in all tyme comming Earles of Stratherne and Monteith, and to bruike and enjoy the honnour, title, dignitie and precedence of Earle of Stratherne and Monteith in all public mettings of Counsellis, Conventions, and Parliaments and others mettings whatsoever, with the same privelidges, libertie, digniteis and precedence whilkes wer dew to the said umquhill David, Erle of Stratherne, and his airs by vertew of the charters grantit to thame of the eredome of Stratherne by the said umquhile King Robert the Second of good memorie, and with precedence and priority before all others persouns whatsoever creat erles since the dait of the saids chartours, of the quhilk chartrours the one beiris dait at Edinburgh the nynten day of Junij and the first yeare of the said Kings raigne, and the other chartour beiris dait at Perth the third day of Julij and first yeere of the said Kings raigne, as the said patent more fullie proports. Qhilk patent being read, and considerit be the saids Lords, and they acknowledging with all dweitfull respect his Majestis grattious favour and princelie remembrance of the said William, Erle of Stratherne and Monteith, his faithfull service, they ordaine him and his airs foresaid in all tyme hereafter to have the ranke, place, vote and precedence in all Parliaments, generall counsellis, privat and publict mettings according to the dait of the twa chartours abonewrittin grantit to the said umquhill David, Erle of Stratherne, of the eredome of Stratherne. Lykeas the said Erle of Hadintoun delyvered the said patent to the said William, Erle of Stratherne and Monteith, who was personallie present, and who with most submissive reverence upon his knees receaved the said patent as ane pledge and tokin of his Majestis exceeding great favour, and promeist to the uttermost of his endeavours to approve himselfe worthie of the favours and honnours whairunto his Majestie hes beene gratioislie pleased to preferre and advance him.”

“Forsamekle as Alexander Mure of Skaithmure, who thir manie yeeres bygone hes lived most profanely and scandalouslie within this kingdome by committing double or triple incests besides other filthie and detestable crymee most offensive to God and not worthie to be heard of in a countrie subject to law and justice, being latelie conveened before his Majestis Counsell upon some points of oppressioun allegedit committed be him and after that he was heard and removed till his Majestis Counsell had resolved what to decrete thairin, he out of the guilt of his awne conscience, fearing the discoverie of his foule and detestable incests, fled from the Counsellous doore and esheewed; and

1 By a decision of the Court of Session (May 22, 1633) the above patent was set aside,
since his returne home he has daylie borne and weares haecquebutts and pistolets threatening all these whom he suspects to have givin information agains him, and shoaring and avowing that if anie sall preasse to take and apprehend him that he sall discharge his haecquebutts and pistolets in their bellies; and he careis himselfe in suche ane swaggering and lawlesse maner as if he wer not subject to King, law nor justice, to the high and proud contempt and disgrace of his Majestie auctoritie. Thairfor the Lords of Secret Counsell hes givin and grantit and be the tennour heirof givis and grants full power and commissioun, express

bidding and charge to Alexander, Erle of Linlithgow, to convocat his Majestie liesges in armes and to pas, searche, seek and take the said Alexander Mure where ever he may be apprehendit, and to bring, present and exhibite him before his Majestie Counsell to the intent order and directioun may be givin for his tryell and punishment as accords; with power to the said Erle and suche as sall accompanie him for this effect to beare and weare haecquebutts and pistolets in the executioun of this commissioun allanerlie, and that they use not the saids haecquebutts nor pistolets but in the persute of the said Alexander, he refusing to be takin. And if it sall happen the said Alexander for eshewing of apprehensioun to flee to streths and houses, with power to the said Erle to follow and persew him, to make opin doores and to use his Majesties keyes, to assedge the saids streths and houses, raise fire and use all kynde of force and warrelyke ingyne that can be had for recoverie thairof and apprehending the said Alexander being thairin. And if in persute of the said Alexander, he refusing to be tane or asseding of the saids streths and houses, there sall happen slaughter, mutilatioun or anie inconvenient whatsomever to follow, the saids Lords declares that the same sall not be impute to the said Erle as crymne nor offence nor the persons assisting him in the executioun of this commissioun, and that they nor none of thame sall be callit nor accused thairfoir criminallie nor civillie be any maner of way in tyme comming; exonering thame of all pane, cryme and danger that they may incurre thairthrow for ever."

"The Lords of Secret Counsell, according to ane warrant in writ signed be the King's Majestie and this day presented to the saids Lords, hes givin and grantit and be the tennour heirof givis and grants full power and commissioun to Alexander, Maister of Forbes, to levey and take up twa thousand men within this kingdome out of all such persons within the same as he sall find readie to goe with him, and to transport the same over sea for assisting his Majesties darrest brother, the King of Sweden, he alwayes giving satisfaction to everie one of the said number as sall be agreed upon betuix him and thame according to the custome in the lyke caisses; with power to the said Maister of Forbes, for the better conduct and governement of the saids twa thousand men to distribute and divide thame in competent numbers and companis
under their severall officers and commanders, and to nominat and appoint officers and commanders over thame, and to caus towke drummes, display cullours and to doe and performe all and everie thing that towards the uplifting, transport and conduct of the said number is requisite and necessar, with als ample power, libertie, auctoritie and jurisdiction as anie others colonellis, officers and commanders formerlie hes had within this kingdome. Firme and stable hallding and for to hald all and whatsomether things the said Maister of Forbes shall lawfullie doe heerin; commanding hereby all judges, officiars, and magistrats to burgh and land that they and everie one of thame within thair severall bounds and jurisdictiouns assist the said Maister, his officiars and commanders in all and everie thing tending to the executioun of this commissioun, and to doe nor attempt nothing to hinder nor frustrat the same. And if anie person or persons who sall receave pay and inroll thameselues under the charge of the said Maister of Forbes his officiars and commanders, and thereafter sall abandon and leave thair service, that than the saids judges, officiars and magistrats upon complaint to be made and verified be thame, doe justice thairin accordingly. Follows his Majesteis missive for warrand of the act abonewrittin:—Charles R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit [sic, we greit yow weill. Having intentioun upon verie good considerations to aide our brother, the King of Sweden, in the warres whairin he is at this tyme ingaged with suche forces as we can convenientlie spare frome all our kingdomes, in regarde of the readinesse and constant affectioun of our right trustie and weilbelovit, the Maister of Forbes, to our service in that kynde, our pleasure is that yow grant unto the said Maister of Forbes, or anie others whom he sall appoint, ane commissioun with ane sufficient warrand to levey and transport two thousand of our subjects of that our kingdome for the purpose aforesaid, granting him libertie to towcke drummes for that purpose, with als large priviledges as anie other had heeretofore in the lyke kynde, he always giving suche satisfactioun to everie one of the said number as sall be agreed upon betuix him and thame according to the former custome in the lyke caises. Our further pleasure is that yow give him your best assistance that he may be provided with shippes for their transportatioun at suche reasonable rates and upon the like conditions as hes beene formerlie givin to others. Whiche seriouslie recommending to your care and whairin not doubting bot that yow will use your best endeavours, we bid yow fareweill. Frome our Court at Oatlands the 22 day of Julij, 1631.”

A similar commission granted to Sir Frederick Hamiltoun to enlist twelve hundred men for the service of the King of Sweden. "Followed by his Majesteis letter for warrand of the act abonewrittin:—Charles R.
Right trustie and right weilbelovit cousine and counseller, right trusty, and weilbelovit cousins and counsellours, right trustie and right weilbelovit counsellours, and trustie and weilbelovit counsellours, we greit yow weil. In regarde of our resoultioun for leveying and transporting some forces from that our kingdome for the better suppleing of our brother, the King of Sweden, in the warres whairin he at this tymes is ingadged, and of the readinesse and constant affictioun of our trustie and weilbelovit servant, Sir Frederick Hamilton, knight, to our service in that kynd, considering als weil the actioun itselffe, so full of honour, as the person and familie of the undertaker, whiche we have in speciall recommendation, our pleasure is that yow grant unto the said Sir Frederick Hamilton, or to anie other whom he sall appoint, a comission with ane sufficient warrand to levey and transport twelwe hundred of our subjectes of that our kingdome for the purpose abonesaid with als large priviledges as anie generall, colonell or commandar hath had heeretofore in the lyke kynde, he always giving suche satisfaction to everie one of that number as sall be agreed upon betweene him and them; and to that effect that yow authorize him to cause beate drummes. Our further pleasure is that you give such speedie order for causing provide shippes for their transportation at suche reasonable rates as yow or commisioners frome you to this effect can best agree upon and upon the like conditionis as hes bencen forderlie givin to others; whiche seriouslie recommending to your care and whairin not doubting bot that yow will use your best and readiest endeavours, we bid yow farewell. From our manoure at Grenewich, the last day of June 1631.

"Forsameekle as the Kingis Majestie be his letter directed to the Lords of his Privie Counsell and this day presented unto thame and read in their audience hes recommendit to the saids Lords to insist by all lawfull wayes and possible meanes for a speedie and sure trying of the burning of the hous of Fendraught, willing the saids Lords to select ane committee out of thair awne number who may proceed in the said tryell with all convenient and possible diligence till it be brought to ane full conclusion, thairfor the saids Lords, according to the direction of his Majesteis said letter, hes givin and grantit and be the tenmour heirof gives and grants full power and commission to George, Vicount of Dupline, Lord High Chancellor of this kingdome; William, Erle of Mortoun, Lord High Thesaurar of the said kingdome; William, Erle of Stratherne, President of the Privie Counsell; Thomas, Erle of Hadintoun, Lord Privie Seale; George, Earl of Wintoun; Alexander, Erle of Linlithgow; John, Erle of Wigtoun; John, Erle of Lauderdale; William, Fol. 88, a. Viscount of Stirline; Patrik, Bishop of Rosse; Adame, Bishop of Dumblane; Robert, Lord Melvill; David, Lord Carnegie; John, Lord Tracequair; Sir Archibald Achesoun, Secretar; Sir John Hamilton, Clerk of Register; Sir Thomas Hope, his Majesteis Advocaat; Sir George Elphinstoun, Justice Clerk; and Sir James Baillie, or anie sevin of
thame, the Lords Chancellor, Thesaurar, President, Privie Seale, Wintoun or Linlithgow being one of the sevin, without excluding anie others of the Counsell who lykes to be present, to conveene and meit at suche tymes and places as they sall thinke fitt and to take tryell of suche witnesses and evidenceis as sall be givin in for cleering the truthe of the bussines, and to report to the saids Lords what they find thairin, that accordingly direction may be givin for the tortour as the nature of the caus sall require. And the saids Lords appoints the first meiting of the saids commissioners to be at Perth the nixt Counsell day the twentie ane day of September nixt. Followes his Majestie missive for warrand of the act abonewritten—CHARLES R. Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. We understand that according to our pleasure signified unto yow for trying of the maner of the burning of Fendreths towre yow have omitted nothing that convenientlie could be done for trying thairof, for whiche we give you heartie thanks; yitt the presumptioune (as we ar informed) being great that it wes done out of a malicious intent have made us to thinke that a continued tryell to be takin thairin may happilie produce some good effect for cleering of the truthe. Thairfor our pleasure is that yow insist by all lawfull and possible meanes for a speedie and sure trying thereof; and if yow think it fitt we ar willing that yow select a committee out of your owne number who more convenientlie without interposicion of other effaires (whiche the bodie of our Counsell can hardlie avoide) may proceed in the said tryell with all convenient and possible diligence till it be brought to ane full conclusion; whiche seriouslie recommending to your care, we bid yow farewell. Frome our court at Oatlands the last day of Julij 1631."

"The whilk day the missive letter underwritten, signed be the Kings Majesty and directed to the Lords of Privie Counsell, wes presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R., Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greit yow weill. We have heard how yow have made the Laird of Grant to produce one Alaster Grant, a rebell, to be subject to the tryell of our lawes, wherein as we doe approve of the maner of your proceeding so we doe of your care and diligence in the speedie execution, for the whiche we give you heartie thanks, and ar willing (if yow sall find it convenient) that yow insist not onelie to take the lyke course with the said Laird of Grant but lykewise with our right trustie and weilbelovit cousin and counsellor, the Marqueis of Huntlie, for produceing all suche rebellis who as yitt stand out and whome by the generall band they ar bound to exhibit, and all suche noblemen and others who be vertew thairof ar subject in the lyke kynde, when the lyke occasioun sall happin to occurre, whiche
we will take as most acceptable service done unto us; whiche specially recommending to your care we bid yow farewell. Frome our Court at "

Otlandes the last day of Julij, 1631. Qhillik letter being heard and considdirit be the saids Lords they acquiesce to his Majesteis royall pleasure and directiou in that mater."

"Forsameekle as it hes pleased the Kings Majestie to make choise of Williamis Sempill of Foulwod to be shiriff of the shirfdome of Dumbartane for the next ensewing yeere, and in regarde the said Laird of Foulwod upon some interveening occassions is disabled to give his appearance before the Lords of his Majestye Privy Counsell to accept the said office upon him, thairfoir the saids Lords hes givin and grantit, and be the tennour heirof gives and grants, power and commission to Archibald, Lord of Lorne, to take the said Laird of Foulwod his oath for the faithfull discharge of his office and to make ane record thereof in writt, and to report the same to the saids Lords to the effect it may be registrat in the bookes of Privie Counsell, for doing whairof the extract of this act sall be unto the said Lord of Lorne ane sufficient warrand."

"Forsameekle as it hes pleased the Kings Majestie to make choise of Patrik Douglas of Kilsipindie to be shiriff principall of the shirfdome of Hadintoun for this nixt ensewing yeere, and in regarde the said Laird of Kilsipindie, upon some interveening occasions, is disabled to give his appearance before the Lords of his Majestye Privie Counsell at Perth to accept the said office upon him, thairfoir the saids Lords hes givin and grantit, and be the tennour heirof gives and grants, power and commission to Thomae, Erle of Hadintoun, Lord Privie Seale of this kingdome, to take the said Laird of Kilsipindie his oath for the faithfull discharge of his office and to make a record thairof in writt, and to report the same to the saids Lords to the effect it may be registrat in the bookes of Privie Counsell; for doing whairof the extract of this act sall be unto the said Erle of Hadintoun ane sufficient warrand."

"The whilck day the Lords of Secret Counsell upon considerable reasouns importing the good of his Majestye service hes thought meit and expedient, concluded and ordainit, that no commission sall be grantit to or in favours of anie of the Ylanders till the Lord of Lorne, his Majesteis Justiciarie within the Isles, be first heard and his opiniou craved thereanent."

"Forsameekle as the Comissionoun for the Surrenders and Teinds hes receaved sindrie interruptions and hindres by the frequent absence of some of the commissioners, speciallie of these for the Burrowes who wer entrusted with that mater, and to the intent that at the nixt session and sitting of the commissionoun there may be assurance had of a full number of the commissioners for the Burrowes to attend that bussines, thairfoir ordains letters to be direct charging the commisioners underwrittin, they ar to say, the provest of Edinburgh for the tyme; M' John Hay; the provest of S' Andrewes or Commissar Clerk there; Duncane
Patersone, burges of Stirlne; Gabriel Cuninghame, burges of Glasgow; the provest of Dundie; John Cowane, burges of Stirlne; Duncane Forbes, burges of Innernes; Robert Alexander, burges of Anstruther; Alexander Clerk and John McNaacht, burges of Edinburgh; M' James Cocksburne, burges of Hadintoun; Andrew Bell, burges of Linlithgow, and M' Robert Cuninghame, burges of Kingorne, to compeir personallie before the Lords of Privie Counsell upon the first day of November nixtocome to the intent some solide and constant course and order may be sett down that a full number of thame be assured to attend the said commissioun under the pane of rebeillioun, etc., with certificatioun, etc."

"Forsameckle as the King's Majestie having beene gratiouslie pleased by his letter direct to the Lords of his Privie Counsell and to his Thesaurer and Deputie Thesaurer to signifie his royall will and pleasure that for reliefe of the pore and for the better intercourse and exchange of small soumes among his Majesties subjects, and als to the effect that there be ane correspondence with England in the copper coyne as is alreadie in gold and silver, thereould be ane certane quantitie of copper cynned in farthing tokins, to have course within this kingdome at the weight and pryces they ar current in England; and the saids Lords having takin this purpose and the grounds and reasouns thairof to thair grave and serious considerations and being well advised and fullie satisfied anent the exigencie and expediencie of the same, thairfor his Majestie, with advice of the saids Lords of his Privie Counsell, hes thought requisite and met, concluded and ordained that there sall be ane certane quantitie of copper, unmixed with anie other metall, wrought and forged in ane mill and cynned in farthing tokins, and that everie farthing tokin sall weigh eight Scottish graynes, of whiche farthing tokins there sall be threescore twelfe in the unce weight and five hundreth threescore saxeene in the marke weight, with twentie twa of the said farthnings for remeid of weight als weill heavie as light upon the said marke weight thairof, the said farthing tokins having on the one side twa CC thus interlaces 30 and crowned with the circumscription CAR. D. G. MAG. BRIT. FR. ET HIB. R., and on the other side ane thrisell with the usuall motto Nemo me impune laxesit; and that the saids farthing tokins have course among his Majesties subjects at three penneis Scottish the piece; with this speciall provision and condition that none of his Majesties subjects sall be stricte to receave of the saids farthing tokens abone the value of sax penneis Scottish in ane pund in payment of debts or other blockes, wairis and merchandice; and ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat crose of Edinburgh and others places neidfull whairthrow nane pretend ignorance of the same, and to command and charge all his Majesties subjects to receave the saids farthing tokens in payment of debts, blockes, wairis and merchandice at the pryce and in maner abone-writtin and in nowayes to refusse the same under whatsoever cullour and pretext under the pane of treasoun."
For sameekele as the Kings Majestie having beene graciously pleased by his letters direct to the Lords of his Privie Counsell and to his Thesaurer and Deputie Thesaurer to signifie his royall will and pleasure that for releafe of the poore and for the better intercourse and change of smalls amongst his Majesties subjects, and to the effect there may be a correspondence with England in the copper coyn as is alreadie in the gold and silver, that there sould be a certane quantitie of copper coyned in farthing tokins to have course within this kingdome at the weight and pryce as they ar current in England; and the saide Lords having takin this purpose and the grounds and reasouns thairof to thair grave and serious consideration and being well advised and fullie satisfied anent the exigence and expediency of the same, thairfor his Majestie, with advice of the said Lords of his Privie Counsell, hes thought meit, concluded and ordained that there sall be fyftene hundredth stone weight of copper, unmixit with anie other mettall, wrought, forged and printed in ane myyne and coyned in farthing tokins in maner and after the forme conteaint in his Majesties warrant direct theraent, and that everie farthing tokin sall weigh eight Scottish graynes, of whiche farthing tokins there sall be threescore twelffe in the unce weight and fyve hundredth threescore sextene in the marke weight, with twentie twa of the saids farthings for remeind of weight, als weill heavie as light, upon the said merke weight thairof, the saids farthings having on the one side twa CC thus interlaced 36 and crowned with this circumscription, CAR. D. GR. MAG. BRIT. FR. ET HIB. R., and on the other side ane thristle with the usuall motto _Nemo me impune lacescit_; and that the saids farthing tokins sall have course among his Majestis subjects at three pennieis Scottish the pece: Commanding heirby th the Maister of his Majestis Cunzieous and all others whom it doeth or may conceerne presentlie to prepare thameselvess, and to proeide with all convenient diligence to the melting, forging, milling and coyning of the saids farthing tokins, and to continue carefullie thairin, sua that the whole quantitie of fyftene hundredth stane weight foresaid may be wrought and coyned before the first day of Januarie in the yeere 1633; commanding alsua the Wardane, Counterwardane and Sinker, everie ane of thame in their severall charges, to attend this service and to doe and perfoorme what to the dewtie of thair offices appertheanes, as they will answer upon the contrarie at thair highest charge and perrell. Followes the twa missives for warrand of the acts abonewrittin:---CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellors, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellors, we greit yow weill. Whereas we have givin order to our Thesaurer and Tesaurar Depute for causing coyne some farthing tokins, suche in weight and quantitie as ar current in this our kingdome, which we will to carrye our inscriptioun with this marke crowned 36 upon the one side, and a thrissell with the usuall
motto upon the other, it is our pleasure that yow give order by proclamation an as is usall in lyke caises for receaving of thame and for calling in of the copper money callit Turnours, they alwayes who bring thame in receaving frome the Maister of our Mynt the value of suche quantitie as they delyver payed backe in the said new coyne, that they may be no losers thereby; and that yow contribute anie other helpe or give anie warrand requisite frome yow for furthering thairof. We bid yow farewell. Frome our Court at Greenwiche the fourth of July, 1631."

"CHARLES R. Right trustie and right weilbelovit cousine and counsellour and right trustie and weilbelovit counsellour, we greit yow weil. Whereas there hes beene a propositioun made unto us for coyning a quantiti of farthing tokins within that our kingdome suche as ar current heere, and considering in regard of the skarsetie of money for the present there that some suche kynde of coyne wer the more necessarie at the tyme for the use of the manner sort and for the smaller soumes; yit becaus we desire to proceed herin als circumspectlie as can be, both for the good of our owne subjects and that suche a correspondence may be keped herin with our other kingdomes as in suche a caise is requisite, our pleasure is that having conferred with thame who have the charge of our Mynt as lykewayes with the propounders of this course that yow make the fairest and best bargane yow can for our advantage, and that yow sequester the moneyes arising thereby to be bestowed as yow sall have a particular warrand frome us for that effect. And so we bid yow farewell. Frome our Court at Greenwiche the fourth day of July, 1631."

"The whilk day the Generall and Maister of the Cunziehous, compeirand personallie before the Lords of Privie Counsell, protested that the employment of anie stranger in working of the farthings sall not be prejudiciall to thame in thair liberiteis and fees dew to thair place and office, and declared that this protestatioun was onelie made be thame for preservatioun of thair priviledges and fees and that they intendit nowayes to hinder the present course prescryved be his Majestie anent the coyning of the farthings, to whois royall will and pleasure they humblie submitted themselves and acquiesced thairwith. Qihilk protestatioun being heard and considerit be the Lords they admitted the same."

"The Lords of Secret Counsell remitts to Johne, Lord Tracquair, Deputie Thesaurar, to agree with the Maister of the Cunziehous anent the working of the farthings and all things concerning the same, conform to his Majestis letter direct to him for that effect."

"The Lords of Secret Counsell gives and grants warrand and commissioun to William, Erle of Morton, Lord High Thesaurar of this kingdome; William, Vicount of Stirlin; Patrik, Bishop of Rosse; Johne, Lord Tracquair, Deputie Thesaurar; Sir Archibald Achesone, Secretar; Sir Johne Hamilton, Clerk of Register; Sir Thomas Hope, His Majestis Advocat; Sir George Elphinston, Justice Clerk; and Sir James Baillie
of Lochend, or anie three of thame with the Thessaurar or Deputie Thessaurar, to convene and meit at such tymes as they sall appoint, and to considder and determine in all things concerning the farthing tokins and the preparing of fitt rowmes for working of the same; and for that effect to call before thame the officiers of the Mynt hous, and to consult and agree with thame as sall be most fitt for his Majesteis profite and the good of the bussines; with power to thame to direct proclamatiouns thereupon according to the warrand and directioun of his Majesteis letter."

[Sederunt as recorded above.]

Supplication by David Bowman of Southhous, as follows:—Last Council day their Lordships were pleased to commit him to ward within the tolbooth of Edinburgh, and lay him in irons there, on the complaint of Bessie Lindsay, his spouse. He acknowledges the wrong done by him to her, and the just and equitable procedure of their Lordships thereupon, and as he is heartily sorry for his miscarriage, so "in token of his trew respiscence" he is willing to underly any course their Lordships may prescribe for his wife's satisfaction and to enact himself for her safety and to perform to her all honest and christian duties, or otherwise he is content that she live separate from him for a time "until it please God to joyne thair hearts and affections togidder in a more Christiane harmonie," in which case he will provide to her such aliment as their Lordships upon consideration of his means may appoint. Charge having been given to the said Bessie Lyndsey, and also to Andrew Simson, one of the bailies of Edinburgh, in name of the provest and remanent bailies, to produce the petitioner, and he and his wife compearing, he enacted himself in 1000 merks for his wife's safety until Candlemas next, and that he would appear before their Lordships upon the first Council day of November next when, in the event of their non-agreement before that date, the Lords will appoint a suitable alment for his wife. Meanwhile because she affirms that she cannot cohabit with him without danger, the Lords ordain him to pay to her £50 for her maintenance and lodging till Candlemas next. This sum the said David instantly paid, and the Lords ordained the provost and bailies of Edin- burgh to put him to liberty.

"The warrand formerlie grantit to Sir Hew Wallace of Craige, knight baronnet, and his cautioners thairin conteanit, continued to the first day of November next to come."

"The quhilk day the Laird of Caprintoun as bailie of Kyle Stewart, and the Laird of Corstorphine as shireff of Edinburgh, accepted the offices and gave thair oath."
Eodem die, post meridiem.

Sederunt—Stratherne; Murrey; Stirline; Bishop of Rosse; Traquair; Secretary; Clerk Register; Advocate; Justice Clerk; Sir James Baillie.

"The Lords ordains ane proclamation to be past for the course of farthing tokins to be published after the setting up of the workes and discharging the course of turnours after three moneths following the said proclamation, commanding the turnours to be imbrought within the said tyme, the imbringers receaving satisfaction theirfuir in the saids farthighings."

"The Lords thinks fitt and hes concludit that three thousands stones weight of copper sall ben coynned in farthing tokins to be receaved be his Majesteis subjects."

St Andrewes; Stratherne; Stirline; Bishop of Ros; Bishop of the Yles; Traquair; Clerk Register; Advocate.

Walter Cornwall of Bonhard, compeirand personallie before the Lords of Privie Counsell, accepted the office of shirfship of Linlithgow upon him and gave his oath for faithful discharge of the

Sedertun as recorded above.

Suppllication by Mr. Matthew Crawford, brother of the Laird of Lesnorie, as follows:—The protection granted to him for coming from Ireland to this kingdom to be present at the settlement of the difference between his brother and Gabriel Porterfield of Hapiland, in which he has a special interest, is now expired, and Lord Traquair, to whose judgment the matters are submitted has appointed September instant for settlement thereof. He therefore craves their Lordships' protection for some time. The Lords grant him until 1st November next.

A commission past to the Erles of Murrey, Nithisdail, Buceleuch, Kirkpatrik, for the slaughter of unquhill William Grahame in Plumps with power to thame to carie hacquebuts and pistolets.

Sederunt—Chancellor; Stratherne; Wintoun; Linlithgow; Perth; Ros; Bishop of Dunblane; Bishop of the Yles; Lord Melvill; Traquair; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.
Letter from his Majesty requiring an examination of the forfeited estates of the late Earl of Bothwell with a view to the benefit of Francis Stewart, the son of the said Earl.

The whilk day the twa missive letters underwritin signed be the Kings Majestie and direct to the Lords of Privie Counsell wer presentit to the saids Lords and read in their audience, of the whilk the tennour follows:—CHARLES R. Right trustie and right weelbelovit cousine and counsellour, right trustie and right weelbelovit cousines and counsellours, and trustie and weelbelovit counsellours, we greit yow weill. Whereas we have declared our pleasure that the trew worth arysing by the forefyture of the lait Erle Bothuells' estait being found out by yow upon strict examinatioun, we have out of a dew consideration allowed to Francis Stuart, his sone, a considerable part thereof to be takin out of these lords possessiouns who have all the benefite of the said forefyture, declaring that everie one of thame sall do what ever sall be thought fitt in law and is in their power to performe for securing the other of that whiche we have appointed to be done, a care being alwayes had, as we will take order for that effect, that the division whiche we have declared sall be justlie and equallie made, giving to everie one his proportioun (for avoyding of future strife) at the parts where it may be most convenientlie for their use, seing that herein we have takin so great painses and have brought all things to that perfectioun that nothing resteth bot to know the trew worth of that estait, whiche convenientlie cannot be done here. And we being unwilling to trust the tryell thairof to anie save unto suche in whome we absolutelie repose a cheefe trust, our pleasure is that not onelie yow cause exhibite unto yow the trew rentalls of the said estait, after what maner yow sall thinke fitt, bot lykewayes that yow give order to our Advocat to draw up the securiteis for that purpose leaving the blanks of the quota to be filled by us. In all whiche desiring that yow proceid with all convenient diligence till it be brought to a perfectioun according to our royall intentioun, we bid yow heartlie farewell. Frome our Court at Oatlands the eight day of August, 1631. CHARLES R. Right trustie and right weelbelovit cousine and counsellor, right trustie and right weelbelovit cousines and counsellours, right trusty and weelbelovit counsellours, and trustie and weelbelovit counsellours, we greit yow weill. Whereas we have heretofore sufficientlie signified unto yow our pleasure for exhibiting unto us the trew rentalls of the lands of the Erledome of Bothuell possset by the Erle of Bugeleuche, and intending the selfe same course with the abbacie of Kelso, which we did not mentiou in our former letter, we thairfoir have thought fitt heirby to will and require yow (notwithstanding of anie preceeding warrand) presentlie to goe on in the lyke course with the abbacie of Kelso by exhibiting unto us a trew and perfyte rentall of all the temporall lands of all that whole abbacie, togider with a perfyte valuatioun of the spirituallitie thereof; and fearing your ordinarie way of valuatioun proove long and tedious we.

1 Francis Stewart, son of John Stewart, Prior of Coldingham, a natural son of James V., and Lady Jean Hepburn, only daughter of Patrick, third Earl of Bothwell. In consideration of his descent from the Hepburns, Francis Stewart was created Earl of Bothwell by James VI.
heirby lykewayes will yow to embrace whatsoever speedie course yow in your judgement sall find most fit; and in respect of your not frequent meetings in vactioun tyme we lyke it weill that a committee be chosen out of your number of suche as reside nearest our burgh of Edinbourgh, if yow thinke it fitt, who for the speedier dispatche of these rentallis and valuations may with the greater convenience meet so oftin as the necessitie of the service sall require. So recommending this to your speciall care and diligence as our trust is in yow, we bid yow fareweell. Frome our Court at Nonsuch the last of August, 1631. Quhilks missives being heard and considderit be the saids Lords and they advised thairwith, the Lords of Secret Counsell nominates and appoints and thairwithall gives power and commiission to Thomas, Erle of Hadinton, Lord Privie Seale; George, Erle of Wintoun; Alexander, Erle of Linlithgow; Johne, Erle of Perth; Johne, Erle of Wigtoun; Adame, Bishop of Dumblane; Johne, Lord Tracquair; Sir John Hamiltoun, Clerk of Register; Sir Thomas Hope, his Majestie's Advocat; Sir George Elphistoun, Justice Clerk, and Sir James Baillie of Lochend, or anie fyve of thame without excluding anie of the Counsell, to convene and meit at Halyrudhous upon the 15 day of November nixtocom and at suche other days thereafter as they sall appoint, and there to receave the productiouns and rentalls of the lait Erle of Bothwells esait and living, als weill of the Abbacie of Kelso and haill temporall lands thairof with the spiritualitie of the same as of the remanent lands, lordships and baronies perteaning to the saied lait Erle; commanding heirby all and sindrie persons whomse these productiouns and rentalls concernes to produce and exhibite the same before the saids commissioners the day foresaid, certifieing thame if they faillyie in the said productioun that the Lords of his Maiestie Privie Council will proced by thameselfes to the tryell of the worth of the saied esait and living and will accordinglie informe his Majestie what they sall find thairin. And the saids Lords ordains missives to be direct to the Erles of Roxburgh and Buccleuch to certifie thame of this dyet; lykeas intimation thereof wes made to the saied Francis Stuart, who wes personallie present, and to Androw Ker in name of the Erle of Roxburgh, to the intent they pretend no ignorance thairof.”

“The whilk day Robert Maxwell of Dinwiddie as Stewart of Annerdaill, Sir Walter Stewart of Minto as shireff of Lanerk, Forbes of Pitsligo as shireff of Aberdein, Thomas Fraser of Streachine as shireff of Innernes, compeirand personallie before the Lords of Privie Counsell, gave their oaths for the faithfull discharge of their offices.”

“The Lords of Secret Counsell declares that the landlords within the shireldome of Innernes sall be answerable before the saids Lords for the deforcements to be committed be thair tennents upon the shirreffs officiars and others officiars employed be him for his Majestie service.”

“The Lords of Secret Counsell, considering the necessar absence of John Home of Rentoun, who is now nominat to be shireff of Beruick Commission to the Earl of Haddington to
for the yeere to come and that he could not convenientlie compeir before the saids Lords in the burgh of Perth this present day to give his oath for the discharge of the office of shireship within the bounds of the said shirefdome of Beruick, thairfoir the saids Lords hes givin and grantit, and be the tennour heirof gives and grante, full power, warrand and commision, expresse bidding and charge to Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, to take the said John Home his oath for his faithfull discharge of the office of shireship within the bounds foresaid, and to make ane formall report in writt to the saids Lords to the effect the same may be insert and registrat in the bookes of Privie Counsell; whereranent thir presents sall be to the said Lord Privie Seale ane sufficient warrand."

"The Lords of Secret Counsell having heard and considerit the reasouns propounded be the commissioners for the Burrowes aganis the erecting of lights upon the Skairheids, and being weill advised thairwith, they find no reasoun for imposing anie dewtie to be uplifted aff anie shippes for maintenance of the same."

"The Lords of Secret Counsell having heard and considerit the report made be the commissioners for the Burrowes tuicheing the lights craveb be Alexander Cunninghame of Barns to be erected on the Yle of May, and being weill advised thairwith and with the reasouns and groundis of the same, they find no reasoun for imposing anie dewtie to be uplifted towards the maintenace of the saids lights."

[Seurunt as recorded above.]

Complaint by the provost and bailies of Dundie as follows:—On 26th July last William Alexander, merchant burgess of Dundie, obtained a decree from their Lordships requiring the complainers to libere him from their tolbooth in so far as he is warded there at the instance of James Durhame of Pitkerro, Peter Balmanno of Carlongie, Robert Murrey, burgess of Dundie, Marion Gleg and James Cochrane, her spouse. He then alleged that he had letters of protection from his Majesty, but he never told them of nor showed them this protection until after he had been arrested on letters of caption and warded, for if he had they would never have meddled with him, but now that he has been committed they stand liable to the party for the sums due if he escapes or is set at liberty. Further, they would have run the danger of this for obedience of their Lordships' decree, but that the said William was arrested within their ward on 4th August instant at the instance of Thomas Muddie, merchant burgess of Edinburgh, and on 20th June last at the instance of John Dinmure for certain debts due to them; and the decree does not cover these. Moreover, the protection bears that it is only to be operative if the said William pays the interest of the sums due to his creditors, and as he has not yet done so, he cannot claim the
benefit of it. Yet he intends to put the complainers to the horn if they
do not liberate him. They have found caution to do so if their Lord-
ships decide that they ought, and meanwhile crave suspension of the
horning. The complainers appearing by Thomas Halyburton, their
provost, and the defender by John Bathkat, messenger, who produced
the protection and the letters of horning referred to, the Lords, after
hearing parties, find the horning orderly and ordain the same to be put
to further execution for putting of the defender to libertie; and they
declare that this decree shall be a sufficient exonation to the said
provost and bailies, and shall free them from all danger at the hands of
all persons at whose instance the defender is arrested.

Complaint by John, Lord Stewart of Traquair, and Sir Thomas Hope
of Craighall, King’s Advocate, as follows:—The said Lord Traquair is
heavily molested in his lands of

, in Selkirkshire, by Andrew
Scot in Skabeleuche, Janet Tait, his spouse, Andrew Scot, his son, and
James Scot, his servant; Thomas Nicoll in Thirlestane, Janet Laidla, his
spouse, Jacke Laidla there, Malie Batie, his spouse, Hab Turnbull, his
servant, and Hab Laidla there, who intend by deed and oppression
to debar the complainant from his said lands and make them unpro-
fitable to him. For this effect, in August, 1629, these persons came to
the said lands armed with staves, swords and other weapons, and with
great kents made for the purpose, “chaist and dang the said lords hors
and nolt pastouring upon the ground of the saids lands for the tyrne,
gorred and mangled sindrie of thame and slew others, and hes thair
servants daylie and nightlie attending about his saids lands awaiting
the opportunitie to hound and slay his bestial pastouring upon the
same.” In consequence of this none of the complainer’s tenants or
servants dare put any of their goods upon these lands. Charge having
been given to the persons named, and the pursuers appearing but none
of the defenders, the Lords ordain them to be put to the horn and
escheat; and that no suspension be granted to them but in presence of
the whole Council.

Complaint by Daniel Grahame, servitor to Mr. Adam Hepburne, keeper-depute of the Privy Seal, as follows:—On 3rd September instant
he was doing his lawful business within the dwelling house of
beside the Tolboth of Edinburgh, when Robert Drysdaill, flesher in
Edinburgh, without any cause assaulted him, “and with ane fleshour
braig, gave him twa cruel wounds on the head to the effusion of his
blood and perrell of his lyfe, and than fled, thinking the compleaneer
had beene slaine.” The pursuer appearing by his master, Mr. Adam
Hepburne, but the defender not compairing, the Lords ordain him to
be denounced rebel and escheat.

Complaint by Sir Thomas Hope of Craighall, King’s Advocate, and William Smith in Wauchtoun, tacksman and possessor of the lands
of Kingside, and Gavin Patersoun in Kingside, his tenant, as follows:—
Although the wearing of hagbuts and pistols has been often prohibited yet, on last, Alexander Home of Gamilscheills, and Clariades Robesoun in Milknaw, with some others, came to the said lands of Kingside and pastured there no t and sheep. When for this cause the said Gavin Patersoun lawfully powned these goods, these persons, with convocation of the lieges to the number of armed with swords, hagbuts and pistols, came on August thereafter to the said lands, and violently carried off the said goods, and then by way of hamesucken went to the said Gavin's dwelling house to have taken his life if they had found him. The pursuers appearing by Mr. Adam Hepburne, and the defenders being also present, both parties agreed to submit the trial and ordering of this complaint to Thomas, Earl of Hadintoun, Lord Privy Seal of this kingdom.

Counter complaint by Clariades Robesoun in Mylnknow, and Patrick Caldcleuch, his servant, as follows:—On August last, while the said Patrick was herding his master's goods at the marches of Mylnknow and Kingside, William Smith in Wauchtoun, Gavin Patersoun in Kingside, and John Fortoun in Penscheill, with others, armed with "bandit stalfes" and other weapons, came to him and assaulted him, "gave him manie bauche and blae straikes in diverse parts of his bodie, whairwith they strake him to the ground, and than with ane bandit stalffe straike him on the foreheid ane great and deidlie wound to the effusion of his blood and perroll of his lyfe." The said Clariades Robesoun appearing for himself and his servant, and the defenders appearing by Mr. Adam Hepburne, both parties agreed to submit the settlement of the complaint to Thomas, Earl of Hadintoun.

Complaint at the instance of Thomas, Earl of Hadintoun, Lord Privy Seal, Sir Thomas Hope of Craighall, as King's Advocate, John Wauche in Melros and William Chisholme in Dernick, servants to the said Earl, as follows:—Though the wearing of hagbuts and pistols has been often prohibited, yet when the said Earl sent his two servants foresaid to his wood of Srorolesfeild to cut some trees for repairing his mills of Melros, Mark Home, son of the late Laird of Coldingknewes, Alexander Ridpeth, servitor to Alexander Home, brother of the said Mark, and James Baillie and James Wricht, servitors to the Lady Coldingknewes, armed with swords, hagbuts and pistols, assailed the said two servants, drew their swords and struck at them therewith, "bendit their pistleots of purpose to have shott them," and would not permit them to cut any wood, but forced them to flee for their lives. The pursuers appearing by Mr. Adam Hepburne, their procurator, and of the defenders, James Wricht and Alexander Ridpeth, and probation being referred to their oaths of verity, which were negative, the Lords assoiltzed them, but they ordain the said James Baillie and Mark Home to be put to the horn and echeat for non-compearance.
Complaint by Ludovic Ker of Easter Crichtoun, as follows:—On August last, Thomas Rutherfurde in Symontoun, accompanied by workmen with axes and other instruments, came to the complainant’s house in Easter Crichtoun, and forcibly breaking up the gates, went to a loft in which the complainant’s tenants had some corn, broke up the door of it and carried off the said corn; and on a subsequent day of the same month the said Thomas went to the complainant’s lands, which were sown with wheat, and “shoor the said wheit to their awne behove,” to the complainant’s heavy hurt and loss. The pursuer comparing, but not the defender, the Lords ordain the latter to be put to the horn and escheat.

Complaint by Andrew Kellie, burgess of Aberdein, as follows:—John Duff, his brother-in-law, in 1623 “spuilyed” his whole goods, and has ever since kept up the same, including his own sister’s abuliaements, who is the complainant’s wife. The complainant obtained a decree against the said John for making restitution, but he, to frustrate its execution, first bought an assignation from Stevin Boyd, merchant in Edinburgh, on a mutual bond between them to the effect that “whatever he shall reprehend belonging to the compleiner the one halfe sall belong to himselfe and the other halfe to the said Stevin,” and upon these he caused the complainant to be warded within the tolbooth of Aberdein, where he has now remained a long time. Upon the complainant’s petition to them, the Lords of Session ordained the said John Duff either to set the complainant at liberty or maintain him suitably in ward, but by some private dealing he procured the abstraction of this bill, and has since bought other two bonds over the complainant’s head, on which he has raised letters and intends to arrest him in ward in the name of John Forbes of Bannagask, which he has borrowed for the purpose. The pursuer appearing by Duff, his spouse, but the defender not appearing, the Lords ordain the provost and bailies of Aberdein to liberate the pursuer from their tolbooth in so far as he is warded by the said John Duff either in his own name or as assignee for any other person.

Complaint by James Crichtoun of Fendraught, as follows:—On 21st May last Gregor McGregor of that Ilk in Dalnabo in Strathawin, Margaret Sinclair, his wife, Callum Bayne McGregor in Strathawin, Alaster McGregor McNeill there, James Logane, servitor to Patrick Murrey, George, Lord Gordon, and Lady Rthic-Gordon, there, James Baine McInnes in Glenawin, Ferquhar and John Darga in Glenlivet, Callum Baine in Badzenoch, Angus McAlaster McEane there, Lauchlane McAlaster McEane, his brother, there, James Gordon, son of Alaster Gordon, officer in Badzenoch to Lord Gordon, James Alexander Cruikshank McEan Dwy, forester to the Marquis of Huntlie to the Quhiet-wod and deer, Donald McGregor in Bellibeg, William McGregor
M'Inneis M'Williame Mair in Auchinkyle, James Bayne M'Inneis and James Darg there, John M'Eane Dwy in Badzenoch, Callum M'Gregour, father's brother's son to Callum Oig in Strathawin, and Adam Gordoun, son of the deceased Sir Adam Gordoun of Park "in Carnwhelpe within a myle to the yett of Strabogie," all dwelling under the Marquis of Huntlie and Lord Gordoun, and John Gordoun in Carnehill under the Lady Rotheay, were put to the horn at the complainer's instance for not finding caution to appear before the Justice and undergo their trial for the thefts, heirships, depredations and slaughters committed by them, but to this hornyl they pay no regard, and the said Marquis of Huntlie, Lord Gordoun and Lady Rotheay are their landlords on whose lands they dwell, and to whom they pay "maill and dewtie with their calpes and herezelds," and whom they accompany "at castings and huntings," and ought therefore to answer for them. Charge having been given to them to appear and show cause why they should not answer for these persons and exhibite them to justice, and the pursuer appearing by Mr. James Baird, his procurator, and George, Lord Gordon, appearing for himself and his father, the Marquis, and Lady Rotheay by Mr. Henry Kinross, her procurator, Lord Gordoun became bound for the men and tenants of himself and his father that they will not molest the pursuer in any way in time coming and that if they fail herein, he will make good such damage at the sight of their Lordships, whereupon Mr. James Baird passed simply from his pursuit against them, and agreed to these persons being relaxed from the horn. In the case of John Gordoun in Carnehill, Mr. Henry Kinross produced a decree of removing which had been recovered by Lady Rotheay against him, and in terms of which he was lawfully removed; but Mr. James Baird replied that this was only a form and pretext, as the said John Gordon still retained possession of his farm, and was presently dwelling upon the Lady's land, whereupon the Lords ordain her to remove the said John Gordoun before 15th November next under a penalty of 500 merks, and that meanwhile she will be held accountable for any injury done by him during his remaining upon her lands.

Petition by the provost and bailies of Hadintoun as follows:—Their Lordships have granted to them a commission for trying Christian Paterson, wife of George Carmichael in Hirdmestoun, on a charge of witchcraft, and on 9th August last she was convicted by an assise of the following points—(1) "the laying on of ane heavie disease upon Jonnet Forrester, spouse to George Baillie of Templefeild"; (2) "laying on of ane madness and phrenesie upon Katharine Allane, her servant"; (3) "for the cruell murdering be witchcraft of umquhill Elizabeth Caldecleuch, spouse to Archibald Maisson in Samwelstoun and Bessie Maisson, his daughter"; (4) "the cruell murdering be witchcraft of James Knight in Hirdmistoun"; (5) "for laying on by witchcraft of ane heavie sickenesse upon Elizabeth Andersoun"; (6) "for the death
traike and decay of their goods"; and (7) "for wrackling and undoing of
James Wadie in Saltoun by witchcraft." In terms of their commission
the petitioners now report what they have done and crave their Lord-
ships' further directions. The Lords ordain them to pass sentence of
death upon the said Christian Paterson for the crime of witchcraft,
conform to the laws of the kingdom, and to cause the same to be
executed upon her.

Supplication by Sir Alexander Home of Manderston as follows:—
His Majesty has been pleased to grant him a protection to come home
to this his native country for doing of certain business and relieving
himself of some cautionries under which he lies for his father, Sir George
Home of Manderston, and as these cannot be accomplished unless their
Lordships grant their protection to his father, which his Majesty by his
letter recommends them to do, he humbly craves to this effect. The
Lords grant their protection to Sir George until 1st January next.

"A commissioun to the Lord Traquair for taking of Philiphauche his
oath as shireff of Selkirk and for taking of Archibald Maxwell of
Cowhill his oath as shireff of Dumfries."

“At Perth, &d:em die, post meridiem, sedent ut ante meridiem
togidder with the Lord Gordon and Lord Carnegie."

Sedent ut die predicto.

“The whilk day Alexander Areskine of Din as shireff of Forfar
compeirand personallie before the Lords of Privie Counsell, accepted the
said office upon him and gave his oath for the faithfull discharge
theirof.”

“The whilk day the commissioners for the Burrowes compeirand Anzet the
personallie before the Lords of Privie Counsell undertooke to visite and
try the estait of the river of Forthe abone the Quenisferie yeerelie and
report to the saids Lords what they find theairin betuix and Lambmesse
yeerelie.”

“The Lords recommends to Alexander, Erle of Linlithgow, Lord Anzet the
Admirall of this kingdome, the execution of the orders sett down for
cleanging of the firth.”

“The Lords of Secret Counsell recommends to Alexander, Erle of
Linlithgow, Lord Admirall, to proceed aganis the stealers of towes and
barrellis to the prejudice of the herring fishing with all the rigour and
extremitie that the course of law can allow in suche a caise.”

“The Lords of Secret Counsell gives and grants warrand and com-
mission be thir presents to Alexander, Erle of Linlithgow; Johne, Erle
of Wigtoun; Adame, Bishop of Dumblane; Alexander, Maister of
Elphinstoun, and Sir Johne Hamilton, Clerk of Register, or anie three
of thame, to convene and meit when and where they thinke expedient
and to call before thame the parteis interested be the mosse and to take notice of their losses and according thairunto to divide and proportion to thame the moneys contribute for thair releefe."

"The whilk day in presence of the Lords of Secret Counsell com- peired personallie Johne, Bishop of the Yles, on the ane part, and Lauchlane M'Caine of Morverne, on the other part, and submitted, lykeas be the tenour of this present act, they submitt all differenceis, contraversis and actionis standing betuix thame with the grounds and occasiounis thairof to the honourable persons underwritten, they ar to say, to Adame, Bishop of Dunblane, Patrick, Bishop of Rosse, Johne, Lord Tracquair, and Sir Thomas Hope, His Majestis Advocat, or anie twa of thame for the part of the said Bishop of the Yles, and to Archibald, Lord of Lorne, Sir Archibald Achesoun, Secretar, Sir George Elphinstoun, Justice Clerk, and Sir Johne Scot of Scotistarvet or anie twa of thame for the part of the said Lauchlane M'Caine, and incaise of variance betuix thame, to George, Viscount of Dupline, Lord High Chanceller of this kingdome, as oversman nominat be both parteis; and whatsoever the saids judges or anie twa of them, as said is, for either partie, and incaise of thair not agreement the said Lord Chancellor, sall decerne heerin, both the saids parteis band and obleist thame to stand and abide thereat, underly and fulfill the same but reclamatioun, appellation or again calling whatsomever.

"Forsameekle as the Lords of Secreit Counsell hes nominat and appointed Sir John Moncreif of Easter Moncreiiff, knight, to be shireff principall of the shirfdom of Perth for the yeere to come, who in regarde of his absence cannot now give his oath for discharge of that office, thairfor the Lords of Secreit Counsell hes givin and grantit, and be the tenour heirof gives and grants, full power and commissioun to George, Viscount of Dupline, Lord High Chanceller of this kingdome, to take the said Sir John his oath for the faithfull discharge of his office and to make ane formall report in writ to the saids Lords, to the effect the same may be insert and registar in the bookes of Privie Counsell; whereanent thir presents shall be to the said Lord Chanceller ane sufficient warrand."

Similar commission to John, Earl of Wigtoun, to take the oath of James Chalmers of Gatgirth, who has been chosen by the Lords of Privy Council to be sherrif-principal of Air for the following year.

"The Lords of Secreit Counsell in regarde of the necessar absence of Sir Johne Murray of Philiphauche, nominat to be shireff of Selkirk, and Archibald Maxwell of Cowhill, nominat to be Shireff of Dumfreis, for the yeere to come, he givin and grantit, and be the tenour heirof gives and grants, power and commissioun to Johne, Lord Stewart of Tracquair, to take the saids twa shireffs their oaths for the faithfull discharge of their offices, and to make ane formall report their oaths in writ, to the effect the same may be insert and registar in the bookes of Privie Counsell, quhereanent thir presents shall be to the said Lord Tracquair ane sufficient warrand."
"Forsameekle as the Lords of Secret Council are informed that there is late some trouble fallin out betuix Sir Robert Hepburne of Barefute and George Hepburne of Alderstoun, his sone, on the one part, and Andrew Quhyte of Markill, keeper of the Tolbuith of Edinburgh, on the other part, whairupon forder disorders and inconveniencis is lyke to ensue to the breake of his Majestie's peace, without remeide be provydet; thairfoir the Lords of Secret Council ordains letters to be direct charging both the saides parteis to compeir before the saids Lords upon the first day of November next to underly suche order as sall be tane with thame for observing his Majestie's peace, under the pane of rebellion, etc., with certificacion, etc.; and in the meane tyme to command and charge the saids persons that none of thame presoomes nor take upon hand to invade or perseu one another for whatsoever querrell, cause or occasioun, but that they keepe good rule and quyetnes in the countrie, under the panes following, viz., the said Sir Robert Hepburne under the pane of fyve thousands merkes, the said George Hepburne under the pane of twa thousands merkes, and the said Andro Quhyte under the pane of twa thousands merkes; certifieing thame that faialyes and does in the contrair that they sall be decerned to have incurred and to incurre the saids panes, and letters and executoriaalls sall be direct againis thame for payment thairof to his Majestie Thesaurar, Deputie Thesaurar and Receivers in his Majestie name and to his Majestie use in forme as effeirs."

"Forsameekle as it is understand to the Lords of Privie Council that Sir John Ogilvie of Craig, ane excommunicat and rebellious Papist, being for his scandalous behaviour first warded within the Castell of Edinburgh, thereafter confynned within the towns of Edinburgh and St Andrewes and others parts, and at last allowed to goe home to his dwelling hous of Craig upon promise of ane sober and modest behaivre without scandal or offence to the Kirk, nevertheless the said Sir Johnse since his going home has behaved himselfe verie scandalouslie, daylie conversing with excommunicat persouns, privately ressetting seminarie and mease preesets, and restraining his barnes and servants from comming to the kirk, to the high offence of God and disgrace of his Majestie governement; thairfoir the Lords of Secret Council ordains letters to be direct charging the said Sir Johne to make his addresse to the citie of St Andrewes betuix and the day of , and to kepe waird within the same and not to depart nor remove furth thairof untill he be freid and releevd be the saids Lords, with certificacion to him and he faiilye that the course and order prescryved be his Majestie lawes againis excommunicat Papiets sall be putt in executioun againis him without favour."

Sederunt ut die predicto.

Perth, 22nd September 1681.

Complaint by Robert Crichtoun of Ryhill, stewart depute of Annerdaill, Complaint by VOL. IV.
as follows:—It was devolved upon him to ingather the taxation granted to the King in October, 1625, for the third and fourth terms thereof, and he employed Stevin Young, the stewart-clerk, to attend to this matter, who received payment from several freeholders and others, but has never accounted for the same and refuses to do so unless compelled. Charge has been given to him to this effect or else to compear before their Lordships, and the pursuer compearing by James Currie, his procurator, but no appearance being made by or for the defender, who, as the said procurator affirms, has not obeyed the charge, the Lords ordain him to be put to the horn and escheat.

Complaint by John Halden of Glenegesis, and Logane, miler at Cattermiline, his tenant, as follows:—On Walter Buchanann of Spittell and Edward Buchannan, his son, or certain persons at their instigation, came by night to the said mill, "cutted and brake down the mylne stands thairof, tooke away the rynd of the same, and hes intruded thameselifes in the kills, barns and others belonging to the said mill, hes raised and takin away the merche stones quhilks divided the said mill, mylne lands and houses thairof from the said Edward's lands of ," and by their daily oppressions and violence do what lies in their power to cast the same waste and appropriate them to themselves. The pursuers compearing personally, and also the said Edward Buchanann, to whose oath the pursuers declared themselves willing to refer the truth of the complaint, and he denying, the Lords assiszie him; but they ordain Walter Buchanann, who did not appear, to be put to the horn and escheat.

Supplication by Dame Marion Boyd, Countess of Abercorn, as follows:—Their Lordships granted to her their permission to remove from Dun-tarvie to her places of Blacktoun and Paisley until Candlemas; but these places are somewhat ruinous and therefore unfit for her residence during winter in respect of her great infirmity and sickness; and, moreover, the ministers of these places, to whom she is unwilling to give any matter of offence, are not content that she should remain in the neighbourhood, wherefore she craves that their Lordships would allow her to go to the Cannogait and remain there this winter. The Lords grant her this permission to repair to her lodging in the Cannogait and remain there until 1st May next, seeing that Claud Hamilton of Straban, Master of Paisley, her son, compearing personally, has become cautioner for her under the penalties contained in the former act that she shall remain there during the foresaid space.

Supplication by Lachlan M'Claine of Morverne, as follows:—He is lawfully provided to the lands and barony of Dowart by M'Claine of Dowart, his elder brother, by virtue of which the performance of the articles and conditions prescribed by their Lordships to the Ialesmen devolve upon him as master and landlord in respect of these lands, and he has been anxiously careful since his entry to observe these. But
some of his unfriends, envious of the favour shown by his said brother to him, have combined with the purpose not only of making his brother's grant ineffectual, but also of bringing him under their Lordships' censure through the violation of the foresaid articles. For this end they have laboured both with his said brother and his father by false information and malicious suggestions until they have alienated their affection from him and enraged them to seek his utter wreck and overthrow, and he has been debarred from his lands, not daring to go thither for fear of his life. His unfriends and other disorderly persons within these bounds intend to take "ane licentious libertie of sorning and oppressing the poore people in these bounds" so as to bring him under censure for their disorders. He therefore craves that they would grant a commis- sion to Archibald, Lord Lorne, to aid and assist him in recovering and maintaining his right and possession of the barony of Dowart, repressing the disorders therein, and taking an effectual course for the preserva- tion of the peace there. Their Lordships grant the prayer of this petition.

Supplication by Michael Carlill in Cokisfeild, as follows:—In June last, upon false information given by Sir John Maxwell of Conhaith to the Viscount of Drumlanrig that the supplicant had stolen some gold from him, he was warded in the place of Drumlanrig without any legal charge, and on complaining thereof to their Lordships, he was produced before them on 26th July last, when he was ordained to be liberated on finding caution to appear for trial before the Lords Traquair and Dalzell and the Laird of Lag in their justice court at Dumfreis on 24th August last, under the penalty of 1000 merks. He and his accuser appeared there that day, but as the commissioners were not all present the diet was continued until 15th September, and his accuser was ordered to stand good for his compararence then; whereupon he took instruments of his readiness to appear and of the absence of his accuser. He also kept this second diet but neither judge nor party appeared. By this their Lordships may see that his accuser has no other end in view than causelessly to bring his life, estate and good name under the danger of the law, and draw him to endless attendance and expense. He therefore craves that their Lordships would grant an act in his favour. The Lords do so, discharging the Viscount of Drumlanrig and the Commissioners of the Middle Shires of all further proceeding against the petitioner in the above matter, he finding caution in the books of Adjournal in 1000 merks to appear on fifteen days' citation before the Justice and his deputes and there answer to any charge to be made against him by Sir John Maxwell or any other person.

Supplication by George Lawder of Bas and Hepburne, his mother, as follows:—Their former petition for a protection in order to settling with their creditors was refused because the consent of James Livingstoun of Beil, their principal creditor, had not been obtained. He
is now both willing and desirous that they should have their Lordships' favour in this respect, which, accordingly, they crave. The Lords grant them their protection until 14th November next.

Supplication by Sir David Livingston of Donypace, John Livingston, his son, David Barclay of Maders, and Robert Livingstoun, merchant burgess of Edinburgh, his cautioners, as follows:—Their Lordships' warrant to the said Laird of Donypace for agreeing with Sir John Carnegie for the sale of his lands expires on the 23rd instant, and the matter is not yet settled, nor the money received, whereby only they can give the intended satisfaction to their creditors, and they therefore crave a continuation of it. The Lords grant them this until 14th November next.

"The lyke protectioun continued to Johne Traill of Blebo for fitting his compts with his uncle until the said fourteen day of November next."

John Ewin, burgess of Stirline, compearing personally, produced a summons against him at the instance of James Archibald in Bonitestate, servitor to William Murrey of Towchadame, who had accused him of taking a "wob" from him and caused the provost of Stirlinie to commit him to ward, and protested that in respect of the absence of the said James, his accuser, no further proceedings should pass against him in this matter save upon a new citation and payment of his expenses. This protest the Lords admit.

Supplication by Peter Rollock, Alexander Fordyce, called of Knightsmilne, Alexander Alshonner, and George Gammie, as follows:—The 9th of November next is appointed for their appearing before his Majesty's Justice in the Tolbooth of Edinburgh for trial on a charge of shooting and wounding James Leslie of Achortes in the arm, of which crime they are altogether innocent; and the said James Leslie, having since learned the truth of the business, and by whom the deed was done, has settled and agreed with the petitioners, as some of their Lordships know, wherefore they crave that their Lordships would direct the Justice to desert the said diet against them. Their Lordships grant the prayer of the petition and ordain accordingly.

"The quhilk day the gentrie and commissioners for the Burrowes gave in their declaration anent the reserved fishings."

"Apud Perth 22° Septembris, post meridiem, sederunt ut ante meridiem.

"The Lords finds a necessitie of the reservation of the three firthes mentioned in the declaration foresaid with fourteene myles aff the coast interjected betuix the saids firthes in respect that the countrie there is weill peopled and that the salmound fishing may otherwayes be spoyled; remitting to his Majestie the distance to be keept aff the rest
of the coasts and yele to be enlarged or impaired as his Majestie sall find the estait of the countrie to require."

"After our vere heartlie commendations to your good lordship, Querius it has pleased the Kingis Majestie to recommend unto us by his letter the tryall taking of the rentall and worth of the latt Erll Bothwellis estait and of the Abbacie of Kelso we for obedience to his Majestis directioun in this point have delegat certane of our number for this purpose unto whome your lordships and Francis Stewart, sonne to the said Erll Bothwell, ar ordained to give in your severall rentalle upoun the 15 of November next; quhairof in regard of your lordships absence at this tyme we have thought fitt by thir presents to advertise your lordships to the affect your lordships may attend the day fairsaid or give ordour for production of your rentallis to the effect abone written; quhairin nothing doubting of your lordships readie obedienc in this matier we commit your lordships to God. From Perth, the 22 of September, 1631. Subscribitur, Chancellar, Stratherne, Wintoun, Linlithgow, Wigtoun, Gordon, B. Ross."

"Most sacred Soverane, There wes latele ane question moved at the Counsell table be Sir Archibald Achesoun, your Majestis Secretar, alleging that he was wronged in the lat commission of the Exchequer by postponing and placing of him in the said commissioun after the Clerk Register, Advocat, and others officers of estait. We having at length heard all parteis having interesse in that matier, who wer allowd to propose before us all that either of thame had to say for their pre- cedence, we gave order for expeding of the said commissioun with this declaratioun that the ranking of the said Sir Archibald in that commissioun sall not prejudge him and his successours of anie precedence dwel and posseset be thame till your Majestie be pleased to declare your royall will in the contrair, and we have ordained the word Secund, adjoynned to the said Sir Archibald his office of Secretarie, to be delete in the said commissioun, as more particularlie your Majestie will perceave by our sentence givin in this matter conteaining the reasons, answers, replies and duypeys of both parteis whiche, with the said Sir Archibald his complaint, the patent of his office, and the Acts of Parliament and Secreit Counsell produced be him in this processe, we have hereewith sent up to your Majestie. And becaus the mater now in questioun will whollie depend upon your Majesties gracious will and pleasure we have foreborne to meddle thairwith bot hes remitted the same to your high and excellent judgement, and what your Majestie sall be graciously pleased to declare thairin we sall in all readiness humbliie obey. And so, etc. Perth 22 Septembris 1631. Subscribitur, Dupline, Stratherne, Wintoun, Linlithgow, Perth, Wigtoun, Gordon, Dunkeld, B. Ros, Areaskie, Dumblane, Melvill, Carnegie, Scottissarvett."
"The quhilk day the commissioners for the Burrowes gave in their declaratioun anent the reserved fishings of the Yles of Orkney and Zetland and remanent yles and loches therein and mayneland foreagainst the same."

Holyrood House, 5th October 1631.

Commission to Ludovic Leslie, lieutenant-colonel to Sir John Hamilton, to levy 200 men for the service of the King of Sweden.

"The Lords of Secret Counsell, according to one warrand in writ signed be the Kings Majestie and this day presented to the saids Lords, hes givin and granitit, and be the tennour heirof gives and grants, full power and commissioun to Ludovic Leslie, lieutenant-colonell to Sir Johne Hamilton of Stirlin [sic], knight, to levey and take up twa hundred men within this kingdome out of all suche persons within the same as he shall find readie to goe with him, and to transport the same over seas, to be ane recrew for the said Sir Johne his regiment under his Majestis darrest brother, the King of Sueden, he always giving suche satisfaction to everie one of the said number as sall be agreed upon betuix thame; with power to him for this effect to caus towcke drummes, display cuilours, and to appoint officiars and commandors over the said number of men for the better conduct and government of the same, and all things necessar to doe heeranent quhilkis in suche caises ar usul: Firme and stable bailing and for to hald all and whatsoever things sall be lawfullie done heerin: Commanding heirby all officiars, judges and magistrats to burgh and land to assist the said Ludovic in all and everie thing quhilk may forder the leveying and transporting the number of men foresaid: And if anie persoun or persons who sall receive his pay and inroll thameselfses under his charge sall happin thereafter to withdraw thameselfses fra his service that the saids judges, officiars and magistrats doe justice to the said Ludovic againis thame as accord. Followis his Majestis missive for warrand of the act abonewritten:—

CHARLES R. Right trustie and right weilbelovit cousine and cousellour, right trustie and right weilbelovit cousines and cousellours, right trustie and weilbelovit cousellours and trustie and weilbelovit cousellours, we gret yow well. Having intention upon verie good considerations at this tymte to aide our brother, the King of Sueden, with suche forces as we can convenientlie spare frome all our kingdomes, our pleasure is that yow grant unto our trustie and weilbelovit Ludovic Leslie, lieutenant-colonell to Sir Johne Hamilton of Skirline, knight, a commissioun with ane sufficient warrand to transport thither two hundred men, and that towards the recre of the said Sir Johne his regiment, out of all suche persons within that our kingdome as he sall find willing to goe with him thither; granting him libertie to towcke drummes for that
purpose with as large privileges as anie other had heere-tofore in the lyke kynde, he always giving suche satisfactions everie one of the said number as sall be agreed upon betwix him and thame according to the former custome in the lyke caises. For doing whaif these presents sall be unto yow ane sufficient warrant."

[Sederunt as recorded above.]

Complaint by Hantoun in Balhaggartie, as follows:—On 25th September, 1627, William Troup, eldest lawful son of William Troup of Pendreich, and John Strauchane in Fettercarne, became cautioners by act of caution in the books of Privy Council, that David Ramsay, servant to Sir Alexander Strauchane of Thornetoun, would send back from Germanie to this kingdom, Robert Hantoun, the complainer’s son, whom the said David had sent away with some soldiers, before the following Yule, under the penalty of £200, which in the event of failure they were to pay to the complainer on 1st February thereafter. Now, the said David Ramsay has not sent back his son, and so the said cautioners ought to be decreed to pay the said penalty. Charge having been given to the said William Troup, and the pursuer compraying by Mr. David Mitchell, minister at Edinburgh, and the defender being personally present, the latter explained that the said Robert Hantoun was dead within the time allowed for his exhibition, and that he had sent his servant from Cowphahome [Copenhagen] to Luckestade [Glückstadt] six weeks before the said feast of Yule to bring back the said Robert Hantoun. The Lords find the answer relevant, and they assign to the defender the first Council day of February next to prove either by witnesses or by a certificate from the burgomaster of Luckestade that the said Robert Hantoun was dead before Yule 1627, so that it was impossible to exhibit him; and he acted himself to do this under the penalty of 500 merks. The Lords further reserve to the pursuer all action competent to him against the said David Ramsay for the wrongful taking away of his son.

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope, his Majesty’s Advocate, and George Foullia, Master of the Mint, and Elizabeth and Anna Foullia, daughters of the deceased Mr. Robert Foullis, advocate, heritable proprietors of the lands and lead mines of Leidhill in Crawfordmure, and John Mure of Annatsoun, tacksman and possessor thereof, as follows:—The wearing and bearing of habuts and pistols and convocation of the lieges in times of lead-hills, and by arms has been often prohibited, yet David Foullis of Glendorche, pre-
tending right to these lands and mines and disdaining to pursue his claim (if he any has) in a legal way, resolved by way of deed, bangeterie and oppression, to debar and seclude the complainers from these lands and mines, in which they are heritably infeft by lawful securities. For this end he has disposed his pretended right to Sir William Baillie of Lamingtoun, who upon 19th October last, directed the said David, with Alexander Hamilton in Glendorche, John Shankland in Lamingtoun, Arthur Baillie there, Richard Tennent there, William Tennent, elder and younger, there, Robert Baillie, natural son of the deceased Matthew Baillie, William McWeill, servitor to the Laird of Lamingtoun, and James Baillie, his brother, all armed with hagbuts and pistols from Edinburgh to Leidhill, where, upon the following day, they violently entered the house possessed by the said Laird of Annistoun, and in his absence struck and wounded his wife, children, and servants, "threw thame over staireis, thrust thame to the doores, threatened thame with thair gunnes and pistolets and than closed the yettis, brake up the lockfast loomes" within the house, and dealt with them as they pleased. And on the next day, the 21st, the said Sir William assembled some three score persons, all armed with hagbuts and pistols and other weapons, and leading them to the said lead mines, left them "at the backe of ane know," then he personally accompanied by ten persons went to the place of Leidhill, "conferred with these who wer within the hous, dranke with thame, went to the toun of Leidhill, commandit the worke-men to worke in name of the said David Foullis, thereafter departed from the hous ane quarter of a myle and sent backe to these being within the hous William Shankiland, William and Richard Tennents, his servants, commanding thame to enter the hous and to concurre with the rest; lykeas the said Sir William, how soone he come to Lamingtoun, sent ane laid of meale with ane gunne to the persons foresaids the better to strenghen thame and make thame stand out." John Mure, being informed of all this, went to William, Earl of Angus, heritable bailie and justice of peace within these bounds, and desired him to repossess him in the said house, and the Earl sent three of his servants with his clerk to crave the house to be rendered. But these, being "answered with threatneng and reproachefull speeches," the Earl was obliged to go in person to the said house, "where having represented to the saids persons thair bold attempt and insolence and craved delyveries of the hous to him as his Majesties justice of the peace, they vere proulde shott out gunnes, pistolets and threw stones at [out] the windowes of the hous at the said Erle and his servantes, so as he was forced for saulfetie of his honnour and credite to breake up the yettis of the place; but how soone he entered the said William McWeill presented ane bendit hacquebut to the said Erle and had not failed to have shott him tairwith if he had not retired backe." Charge having been given to the said Sir William Baillie and the other persons named,
and the pursuers appearing, the said George Fouillis also representing the daughters of the deceased Mr. Robert Fouillis, and the defenders likewise being personally present, the Lords after hearing parties and their witnesses, find "that the said David Fouillis violentlie tooke the houblis without warrand or order of law, and that the said William McWeill, John Shankiland, Alexander Hamilton, William Tennent, younger, and Richard Tennent, come to him within the hous and assisted him in the keeping thairof aganis the said William, Erle of Angus, who come there and in his Majesteis name craved delyverie of the hous to be made to him, and that they had ane hacquebut with thame in the hous," for which insolence they commit them to ward in the tolbooth of Edinburgh; and they assolzie Sir William Baillie, James Baillie, his brother, Arthur Baillie in Lamington, Robert Baillie, son of Matthew Baillie, and William Tennent, elder, against whom nothing was proved by the witnesses. Further, the Lords ordain the said Earl of Angus to repossess the said John Mure of Annastoun in the said house, to be enjoyed by him until he be legally removed; and the said Laird of Lamington and John Mure to find law-surety to each other, the former in 3000 merks, and the latter in 1000 merks.

Act of caution by Alexander Menzies of Cowterraw in 3000 merks for Sir William Baillie of Lamington, that he will not molest John Mure of Annystoun, nor his family, servants, etc.; with clause of relief.

Complaint by John Mure of Annystoun, as follows:—In addition to the manifold wrongs he has endured at the hands of the Laird of Lamington and his brothers, which he patiently bore, in the hope that forbearance would have drawn them to a milder course, though he found that it only increased their insolence, on October last James Baillie, brother of the said Laird, went to James Stratoun, writer, whom he knew to be a common friend to them both, "and desired him in his name to give up with the compleamer and to assure him that it should not ly in his power to keepe Cliddisdail." Both parties compearing, and they and their witnesses having been heard, the Lords find the charge verified, and for this great insolence they commit James Baillie to ward within the tolbooth of Edinburgh, and ordain both parties to find law-surety to each other in 1000 merks.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, David Fouillis of Glendorche, William McWeill, Alexander Hamilton in Glendorche, John Shanklaw in Lamington, Arthur Baillie there, Robert Baillie, natural son of Matthew Baillie of Littgill, and William and Richard Tennents, as follows:—The bearing and wearing of hagbutes and pistoles has been often prohibited by law, yet on October last, William Earl of Angus, Patrick Dickson, Patrick Livingstoun and Richard Douglas, his servants, John Douglas in Elvingshull, John Meinzeis in Hirdrig, Archibald Inglis there, James Inglis of Skraigtoun,
James Beck in Kirktoun, Gilbert Linlithgow there, Robert Lappie in Milnholine, Robert Querin (?) and Walter Scot, servitors to the said Earl, Andrew and Thomas Quhyte in Kirktoun, Maurice Carmichell in Eastend, Francis Douglas, brother of the said Earl, Alexander Baillie of Bagbie, William Inglis in tounend of Robertoun, John Mure of Anystoun, Francis Weir, James Dobie, and Robert Rentoun, servitors to the said John Mure, Charles Carmichell in Westoun, Edward Lindsay of Laigwell, Alexander Baillie in Littlegill, Alexander Weir in Quhytcamp, George Welsche in Quhelphill, John Williamsoun of Overhall, William Ramage of Hilhou, Robert Chisholme, William McQuhat in Kirktoun, John Gibsoun, younger, in Crawford, William Gibsoun there, Robert Johnstoun in Catchappell, John Tinto in Over Southwod, Thomas Stoddart in Wandelmyne, William Baillie in Hartsye, John Carmichell in Littlegill, John Merschell in Wodend, William Lindsay in Glengeich, John Williamsoun in Netherhall, Matthew Williamsoun there, David Moffat in Normangill, Adam Kirkhop in Kirktoun, John Beck in Crawford, William Lockhart at the Castle of Crawford, Robert Twiedie of Neather Southwod, John Weir son of Thomas Weir of Neathertroun, Richard Jardine in Overhouses, Thomas Jardane in Wandeldyke, and James Reid in Glaspent, with their accomplices, to the number of sevenscore persons, armed with swords, spears, and the forbidden hagbuts and pistols, came to the place of Leidhill, possessed by the said David Foullis and remanent personsforesaid in peaceable manner, and with violence broke up the doors of the said house, entered therein, put hands on the complainers, and "band thame with cords and towes as if they had beene theeves, and caried thame captives to the Castell of Dowglas," where the said Earl still detains them as prisoners, without any lawful warrant or cause. The pursuers comparring personally, and the said Earl also comparring for himself and the remanent defenders, the pursuers were asked if they intended to insist in their complaint, which they one and all said they would not do; and his Majesty's Advocate, hearing this "and that they would not concur with him therein nor give him light and information thereof," he also passed from the same. The Lords therefore ordain that no process shall at any future time be granted against the defenders in this matter.

Complaint by Robert Millar, sometime at the mill of Swynewod, as follows:—In the year 1618 Patrick Craw, son of Patrick Craw in Greinhead, accidentally meeting the complainer near the town of Swynewod, upbraided him with "some injurious words," whereupon they fell to blows "with their fists alannerlie," after which the said Patrick lived about six months and then died of an ordinary sickness. The kin and friends of the deceased man, intending to abuse their friendship and credit, "which in these bounds is great, and to use ane led assise agains the compleaneer" raised a criminal pursuit against him before the Justice, and he, fearing
their local influence, laid the case before his Majesty. The King has
thereupon granted to him a remission for the said slaughter (if any be)
on his giving satisfaction to the party, dated at Quhitehall, 14th June
1630. Upon his return to this kingdom the complainer accordingly
entered into treaty with the deceased man's kin, but they utterly refuse
to accept any offers, and have cited him to appear before the Justice on
16th November instant to answer for the said slaughter. Charge having
been given to Jean Craw as relict, Alison Home in Eist Restoun as
mother, Robert Craw as brother, Elspit and Jean Craw as sisters, Peter
Home in Aitton, spouse of the said Elspit, and Mr. Alexander Smith,
spouse of the said Jean, and the pursuer compearing by Robert Douglas
of Blaikester and Mr. Robert Craig, his procurators, but of the defenders
only Mr. Alexander Smith and Janet Craw, his spouse, and parties having
been heard, the Lords in respect of the foresaid remission ordain the
Justice, Justice Clerk, and their deputys to pass from the pursue of the
complainer on this charge. The said Robert Douglas then became cautioner
for the pursue that he will give such assythement and satisfaction to the
parties interested as the Lords may determine; and the Lords further
ordain that the said Robert Miller shall not resort to the town of
Swynewod at any time hereafter without their Lordships' license under
such penalties as they may think to impose upon him if he disobey.

Complaint by John Fyfe in Meigum, as follows:—Lately in the
month of , George Thom was unhappily slain in a tumult within
the bounds of Aldrayne, and his kin and friends, "out of their precipitat
and inordinat affectioun to have that mater avenged, patt violent hands in
the compleeners persoun, who had nothing to doe in that mater bot were
onlie standing upon the ground as ane simple spectator, and caried him
to the shireff of Aberdein, who at thair desire committed him to wair, within the tolbuith of Aberdein, quhair he hes remained sensyne in great
miserie now be the space of fyftene wekees." His captors refuse to pro-
secute him, and intend to wreck and undo him by long imprisonment,
though they are "now fullie perswaded by cleere information frome the
countrie people that the compleuner is altogidder ignorant of the
slaughter." He is but a poor man unable to find caution for his com-
pearance to trial if he were set at liberty, but seeing he is now in prison
and ready to abide his trial, if his incarcerators will not prosecute, reason
and equity crave that he be liberated. Charge having been given to
James Thom, brother of the said deceased George, Barbara Birnie his
widow, James Thom his son, and Andrew Birnie her brother, as also to
Alexander Forbes of Pitsligo, sheriff of Aberdein, for his interest, and
none of them compearing, and the pursuer compearing by Quintin
Kennedie, Writer to the Signet, his procurator, the Lords ordain the said
sheriff to liberate the pursuer and suffer him to pass wherever he pleases
in so far as he is imprisoned on the above charge.
Sederunt—Privy Seal; Wintoun; Linlithgow; Annerdaille; Lauder-
daill; Clerk Register; Advocate; Justice Clerk.

The Lords of Secret Counsell ordains the processe persewed at the instance of his Majesteis Advocat, George Foulles and others aganis David Foulis and his complices to be delyvered to his Majesteis Advocat to be advised be him how farre may be procedit be ordour of law aganis the said David and his complices; and ordains his Majesteis said Advocat to report his opinion thereanent to the saids Lords.”

“Tae Lords of Secret Counsell nominats and appoints Georg [sic], Erle of Wintoun; Alexander, Erle of Linlithgow; and Sir George Elphinstoun, Justice Clerk, to call before thame Alexander, Maister of Forbes, and Sir Friderick Hamilton, and to deale and travell for settlling the differences betuix thame.”

“For saimekle as the second day of November instant being ane peremptour dyet of the Commission for the Surrenders and Teinds, whairunto diverse persons als weill partieas as witnessses wer summount, and they having come heere in this unseasonable tyme of the yeere looking for a speedie dispatche of thair adoes, they have beene frustrat, to thair heavie greefe and charges, be reason of the absence of these of the clergie who wer entrusted with this busines, of whome there was not one that kepted this dyet, so as this service quhilk his Majestie so earnestlie affects and hes so oft recommendit to his commissioners is lyke to be cassin louse, to his Majestie offence and trouble of the subjects: Thairfor the Lords of Secret Counsell ordains letters to be direct charging Alexander, Bishopp of Dunkeld; Adame, Bishopp of Dumblane; David, Bishopp of Brecchin; and John, Bishopp of Caithnes, to compier personallie before the Lords of Secret Counsell upon the twentie twa day of November instant to answere upon thair neglect of the dyet foresaid and to underly suche order as sall be tane for thair attendance in tyme comming, under the pane of rebelliou, etc., with certificatioun to thame and they faiylie that not onelie sall letters be direct to denunce thame rebellis and putt thame to the horne, bot with that the saids Lords will concurre and joynie with the subjects in representing to his Majestie of the trew causes of the small progress of the said commission, and fra whome and upon whos default the hinder and delay thairof proceeds.”

“The quhilk day the Lords having heard the petitioun givin in by Dame Katharine M'Dougall, Ladie Uchiltrie, craving that she might have access to her husband to conferre with him in audience of one of the bailleis of Edinburghe, and that he might have allowance of a boy to attend him, the Lords in respect his Majestie hes writtin nothing to thame concerning the Lord Uchiltrie and seing the direction quhilk is come home is onelie to the provest and bailleis of Edinburghe, thairfor they remitt her and her petitioun to thame.”
“Ordains missives to be writtin to the Bishops of Dunkeld, Brechin, Dumblane and Caithnes to attend the commissioun upon the 23 of November.”

Sederunt—Privy Seal; Wintoun; Linlithgow; Launderaill; Clerk Holyrood House, 3rd November 1631. Register; Advocate; Justice Clerk.

“The whilk day the Lords of Secret Counsell with consent of Alaster Grant of Tulloch continewes the dyet appoinit to Johne Grant, apareirand of Ballindalloch, for persute of the said Alaster before his Majestie Justice untill the last of Januar nixt, the said Johne Grant standing alaways bound to persew the said Alaster the day foresaid under the pannes contenait in the former act.”

“The whilk day, Alexander, Maister of Forbes, compeirand personallie before the Lords of Privie Counsell declared that he was content to stand at and fulfill the conditions of the band formerlie givin' be him to Sir Friderick Hamilton.”

“The Lords of Secret Counsell recommends to Sir William Seatoun to provide and preservye orders and injunctions to the postmasters for the sure and spedie dispatche of his Majestie packet, both anent the saids postmasters their constant residence at the place of their charge and keeping of ane register for reception of the packets. And the saids Lords remitts to the said Sir William the punishment of William Duncane, postmaster of the Cannogait, for his neglect and omission in not provyding for the saulfie convoy of his Majestie packet to Hadintoun; and ordains postboy, to be committed to waird within the tolbuith of the Cannogait for his oversight and fault in delyverie of his Majestie packet to a whimpman in Mussilburgh to be caried to Mussilburgh to the said Mr Duncans hous, quhereas the said postboy auct in duetie to have caried the same himselfe to the tong of Hadintoun and to have delyvered it to the postmaster there.”

“The whilk day the articles and heids of agreement underwrittin betuix Alexander, Maister of Forbes, and Sir Friderick Hamilton, knight, being produced and exhibite before the Lords of Secret Counsell be George, Erle of Wintoun; Alexander, Erle of Linlithgow; and Johne, Erle of Launderaill, who wer nominat and appointed be the saids Lords to deale and travell betuix the saids parteis for sattling of their differences and by whois mediatiou and travellis the saids articles wer agreed upon and concluded, and the saids articles being read in presence of the saids Lords and in the audience and hearing of the saids Maister of Forbes and Sir Friderick Hamilton, they both acquiesced and agreed thereunto, of the quhilks articles the tennour followes:—The heids agreed upon betuix the Maister of Forbes and Sir Friderick Hamilton to be sett down be way of contract, 3 of November 1631. Item. In the first, the Maister of Forbes gives him full power as coronell to place his hail
captans, lieutenants and under officiars of his regiment of twelde hundredth men. And as for that questioun betuix the Maister of Forbes and Sir Friderick of his regiment whether it sall be under the Maister of Forbes commandement according to his patent or not, they doe both remitt it to the King of Sueden his decision. Lykeas the Maister of Forbes sall receive the hail companeis quhilkis Sir Friderick hes heere presentlie, sua manie as he hes shipping for, and the other quhilk he hes to send to Dundie, quhilkis ar the number of twa hundredth men to be delyvered there to the Maister of Forbes. Lykeas the said Sir Friderick sall discharge the Maister of Forbes of his four hundredth punds of levey moneys while the Maister of Forbes is obleist to pay at his randevous, and the Maister of Forbes to be charged with his victual, shipping and all. Siclyke there will rest here besides these that ar to be sent to Dundie ane hundredth and fiftie, whiche the Maister of Forbes is to take aft Sir Friderick his hands for the space of fuye dayes, betuix and whiche tyme, if the other twa hundredth men that is to come be the way, the Maister of Forbes sall receave thame within the foresaid ship in the prefixt tyme, otherwayes it is agreed that Sir Friderick sall beare the whole charges of the hail thrie hundredth and fiftie men, shippe, victual and all for so manie dayes as the Maister of Forbes sall attend the comming of the saids twa hundredth men after the saids fuye dayes be past, the said Master of Forbes having shippes and victual in readinesse, sua that the Maister of Forbes victualls be preserved untill the tyme that they goe to the sea. As lykewayes he takes burrein for all the ly dayes, shippe and all enduring the foresaid space after the expiring of the fuye dayes aforesaid. Sic subscribitur, A. Forbes, Fred. Hamilton; Wintoun, witnes; Linlithgow, witnes; Lauderdaleil, witnes.”

[Sederunt as recorded above.]

Complaint by Uthrid M’Dougall of Mondurke, as follows:—He is informed that he has been put to the horn at the instance of William Trotter in Blaieburne for failing to pay to him the sum of 400 merks which was imposed upon him as a fine for wounding the said William with a hagbut and for not finding caution to satisfy the surgeon who cured him. He has now paid the said sum with the 50 merks additional granted to the said William for expenses, and also satisfied him for the surgeon’s cure, as a discharge subscribed by the said William on 3d August last testifies, and he therefore craves relaxation from the horning. Fol. 282. b. Pursuer comparring personally and producing the discharge and the said William Trotter appearing by Mr. George Trotter, his procurator, the Lords suspend the horning aforesaid, but only in so far as it concerns the said William Trotter.
Sedunt.—Privy Seal; Launderdaill; Lord Gordoun; Master of Elphinstoun; Sir Archibald Acheson; Clerk Register; Advocate; Justice Clerk; Sir James Baillie.

“The Lords of Secret Counsell hes givin and grantit and be the tennour heirof gives and grants warrand and commissioun to Colonell Baillie to receave the mustours of suche companis belonging to Sir Friderick Hamitoun as ar not as yitt delvered to the Maister of Forbes, and to make ane record and roll of the number of men, to the effect the same may be givin to the said Maister of Forbes.”

[Sedunt as recorded above.]

Suppllication by James Wylie, merchant burgess of Edinburgh, as follows. A few merchants in the said burgh are pressing him for payment of their petty claims against him, which are chiefly for wines, and he is very willing, and likewise able to pay them if he had but liberty freely to go about in the country to recover debts due to himself. He therefore craves their Lordships’ protection for this effect, and this they grant to him until 1st March next.

“A act discharging the course of English farthings within this English kingdome.”

Sedunt.—Chancellor; Privy Seal; Perth; Launderaill; Lord Gordoun; Lord Melvill; Master of Elphinstoun; Secretary Clerk Register; Advocate; Justice Clerk; Sir John Scot.

“Forsameekle as it is understand to the Lords of Privie Counsell that there is ane great quantitie of base copper coyne, callit farthing tokins, brought within this kingdome especiallie within the bounds of the Middle shires thairof, where the same hes are uncontrold course at the appetite of the recever and delyverer at farre higher prycex nor his Majesties owne coyne, to the disgrace of this kingdome and to the hurt of his Majesties subjects who ar abused and wronged by thair ignorance of the trew worth and pryces of the saids farthing tokins; and the saids Lords being carefull to obviat and prevent the forder growth and incomming of thir farthing tokins and to provide and foresee that the forder course of thame within this kingdome may be restrained and discharged, thairfor the saids Lords, after verie good advise and deliberation, hes thought meit and expedient, concluded and ordained that there sall be ane restraint of importation of anie of thir farthing tokins be sea or land within this kingdome at anie tyme hereafter, and lykewayes that the course thairof within the kingdome sall be prohibite and discharged. And for this effect ordains letters to be direct to command, charge and inhibite all and sindrie persons of whatseover ranke or qualitie, als
weill natives as strangers, be opin proclamatioun at the mercat croces of the heid burrows of this kingdome and others places neidfull, that name of thame presomme nor take upon hand at anie tyme after the publicatioun heirof to bring within this kingdome be sea or land anie of the saids farthing tokins under whatsomever cullour or pretext, under the pane of confiscatioun of the same to his Majesteis use, besides the forder punishment of the imbringers thairof in thair persons and goods at the arbitrement of his Majesteis Counsell: And siclyke to command, charge and inhibit all and sindrie his Majesteis lieges and subjects that name of thame presomme nor take upon hand to receave anie of the saids farthing tokins in payment, wissilling or otherways, under the panes particularlie abonewrittin, certifieing thame that failleis or sall doe in the contrare heirof that the saids panes sall be execute upon thame without favour: And siclyke to command and charge all and sindrie magistrats to burgh and land that they and everie ane of thame within thair severall bounds, offices and jurisdictionis have ane speciall care to see this act and ordinance observed and keepend, as they will answere to his Majestie and the saids Lords upon the dewtfull discharge of thair offices."

"Anent the supplication presentit to the Lords of Secretit Counsell be Dame Katharine M'Dougall, spous to the Lord Uchiltrie, makand mention, that where she hes diverse tymes petitiouned the saids Lords that she might have warrant and libertie to conferre and speeke with her husband in the presence and hearing of one of the bailleis of Edinburg or keeper of the tolbuith thairof1 seeing thir four yeeres bygane she hes not had the occasion to conferre with him, and now thair is ane urgent necessitie moving her thairto be reasoun of the disease and sicknessesse whairwith at the pleasure of God her husband is now visite, and forder the small allowance that wes givin unto him (be whome she knewes not) for his interteanement is discharged and he hes not ane pennie of his owne to supplie that want, and she is als unable to make him anie support, being pinched and straitit with the like necessitie; humbelle deyryng thairfoir the saids Lords to give command to the provest and bailleis of Edinburg to grant unto the said supplicant accesit within the said tolbuith and libertie to conferre with her said husband in the presence and hearing of one or other of thame or the keeper of the tolbuith; and lykeways that the saids Lords would be pleased to modifie some daylie allowance for her husbands interteanement and to make him sure how and be whome it sall be payed, lykeas at mair lenth is conteanit in the said supplication. Qhilk being read, heard and considerit be the saids Lords, and they considering that it is farre aganis his Majesteis royall heat and intentioun that the said Lord Uchiltrie, being his Majesteis prisoner and not having meanes of his owne to

1 Ochiltrie was now awaiting his trial for the charge of conspiracy which he had brought.—See ante, p. 263.
intereane himselfe, sall want maintenance or interteaneament, thairfor the saids Lords hes modified and allowed and be the tennour heirof modifieis and allowes to the said Lord Uchiltrie for his interteaneament and for interteaneing the boy that attends him the soume of fuye merkes in the day; and siclyke the saids Lords hes modified and allowed and be the tennour heirof modifieis and allowes to Androw Quhyte, jaylour and keeper of the tolbuith, the soume of threttene shillings foure penneis daylie for the said lord his jaylour fee; qhilks soumes the saids Lords ordains to be payed weekelie to the saids Lords Uchiltrie and Androw Quhyte be his Majestis Thesaurar, Deputie Thesaurar and Receavers of his Majestis Rents, and to advance the same weekelie, beginnand the first weekes payment thairof the morne the elevint of the moneth of November instant. And siclyke the saids Lords ordains and commands his Majestis said Thesaurar, Deputie Thesaurar and Receavers of his Majestis Rents to satisfie the provest and bailleis of Edinburgh for thair bypass furnishing made to the said Lord Uchiltrie. And siclyke the saids Lords allowes the said supplicant to have accesse to speeke with her said husband anent her awne privat effaires the morne at ten of the clocke in the forenoon in the presence of Sir Archibald Achesone, his Majestis Secretarie and Sir John Scott, quhereanent thir presents sall be unto his Majestis Thesaurar, Depute Thesaurar and Receavers and to the saids provest and bailleis of Edinburgh ane warrand."

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, his Majestis Advocat, produced before the Lords of Privie Counsell the draught of the chartour and commission to be signed be his Majestie anent the Associatioun for the fishing; qhilck being read and considerit be the saids Lords the same was allowed be thame."

"The whilk day James Chalmers of Gatgirth, compeirand personallie before the Lords of Privie Counsell, accepted upon him the office of shireship of Air and gaif his oath for faithfull administratioun thairof."

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and John Leith of Harbhill, and William Areskine of Tocher, parties grieved, as follows:—Though the bearing of hagbuts and pistols, convocation of the lieges, and directing of cartals and challenges to single combat have been often prohibited, yet on 27th July last Adam Abercrombie of Aldrayne, Alexander Abercrombie of Birkinbog, Alexander Leith of Newrayne, George Gordoun of Geicht, John Gordoun of Ardlogie, Hector Abercrombie of Fetternie, John Leslie, younger of Pitcape, Alexander Leslie in Elrick called the Caputian, William Urquhart, servitor to Birkinbog, Peter Gregour in Achip, John Ker in Aldrayne, George Mathesoun there, Robert Dempster in Logyalton, George Gordoun sometime of Pittindreich, and others with them to the number of about eight score persons, armed...
with "gunnes, pistolls, jackes, buffill and maillye coates, steilbonnets," and other invasive weapons, came to the Kirktoyn of Rayne, where the said John Leith of Harthill was in the minister's house, for the purpose of taking his life, and they would have done so "if some noble weomen and ladeis had not interceedit at thair hands to spare him at that tyme." Also within two days thereafter those persons hounded out the said Alexander Leith to take his life, who set upon the said John Leith upon the highway beside , who being bound up to his Majesty's peace had no weapons upon him but a staff in his hand, and riding about him "with bendit pistolets" threatened "to fell him lyke a dog." Then before the said complainer could light off his horse his assailant struck at him many times with a drawn sword and "gave him ane cruelly wound theirwith in his knee to the great effusion of his blood." Moreover, on 11th September last the said Alexander and Adam Abircombie, Alexander Leith, Alexander Leslie called the Caputian, Hector Abircombie of Fetterneir, Robert Dempster of Logyalton, William Dempster in Drumleith, George Gordoun sometime of Pittindreich, John Ker in Aldrayne, William Mayne there, and John Leslie, apparent of Kincragie, with others to the number of persons, armed as aforesaid, and with two captains at the head of their companies, "with bendit gunnes and pistolets in thair hands," came to the complainers' parish kirk and threatened "if the compleanners durst be seene in thair deskes to cut thame in peeces and to banishe thame all out of the Garioch, so as the said Laird of Harthill was forced to flee to the Kirk of the Insche for saulfetie of his lyfe. And the said Williame Areskine having come to the kirk upon ane promise of freindship made to him be the said Alexander Abircombie upon Thursday before, they had not failed to have slane him if M' Andro Logie, minister, had not locked the kirk doores and wee constrained to baptize ane barne without the kirk." Further the said persons on "having assembled to thameselfes great numbers of rebellis for mutther, slaughter and excommunicacion in the young Laird of Pitcaples hous they have there solemnlie sworne upon the gairds of thair swords never to take rest till they opin the compleanners upon the backes. And now lailllie the saide Adame Abircombie, Alexander Leith and Alexander Leslie callit the Caputian, rancouring the said John Leith, they cried to him diverse tyme in disdainfull maner, Gup Sir, Gup Sir, and send James Leslie of Auquhorsk with ane challenge to him showing that the said Adame would fight him upon this querrell that he had a dossoun of tymes bevvelled him in Legatsden bot would not fight him that he had adultering his fathers bed. Quhilks insolenceis ar most offensive to God and disgracefull to his Majestes governement." The pursuers compearing personally, and of the defenders Alexander Abircombie of Birkinboig, John Leslie, apparent of Kincragie, John Leslie of Pitcaple, Hector Abircombie of Fetterneir, Adam Abircombie of Aldrayne (who also undertook to answer for John Ker and
William Mayne), Alexander Leith of Newrayne and George Mathesoun in Aldrayne, the defenders produced a letter subscribed by the said John Leith and Adam Abircrombie bearing that each discharged the other of all action competent to either of them against the other and their respective complices for the pretended convocation on 27th and 28th July last. In respect of this letter the Lords grant no process upon this part of the complaint; but with regard to the subsequent charges, the Lords having heard parties and their witnesses find that the said Alexander Leith invaded his brother, John Leith, and hurt him on the knee, and ordain him to be imprisoned in the tolbooth of Edinburgh until he be released; but they assuizie the said Alexander, Adam and Hector Abircrombie, John Leslie, Robert and William Dempster, Peter Gregour, George Gordoun, and John Ker, against whom the pursuers' witnesses failed to prove any part of the complaint.

Complaint by John Reid at the Mill of Tillifoure and Sir Alexander Gordoun of Cluni, knight, his master, for his interest, as follows:—On last, when the said John was coming from Inneroure to Tillifoure, John Leslie of Artannes came to him on the highway and commanded him to go out of his bounds. He modestly answered "that he was going in the hie way als fast furth of his bounds as he could," whereupon for this simple cause the said John Leslie "ranne backe to his hous, brought furth ane great rung, followed the poore man be the space of halfe ane myle so as he wes forced to flee through the Water of Donn into the heid of ane deepe pott to the hazard of drowning; and thereafter the said Johne went up a burne and hid himselfe till the compleuner sould come backe to the hie way, quhilk after a long space he did, believing that the said John Leslie had gone home; but how soone he espied the compleuner come over the water agane he rose up and with all his speed made to the gate before him, so as the compleuner was constrained to lurke among the corne, but wes unhappilie discovered be the barking of a dog who followed him. Quhairupon the said Johne having gottin the compleuner he ranne upon him furioslie, and notwithstanding that he oft tymes besought him for Chriske sake to have mericie upon him yitt he verie unmercifullie gave him ane cruell straike aorth the stomache with the rung and felde him to the ground and then tooke the compleuners owne stalffe and thairwith verie pittiefullie birsed and bruised his haill bodie with bauche, blae and bloodie straikes untill he brake the stalffe in peeces upon him, and than he tooke the poore man's whinger from him and carried the same away with him, leaving the poore man dead upon the ground." Both pursuers and defender compearing and probation in the matter being referred to the defender's oath of verity, he, being sworn, confessed that "being provoked be the said Johne Reid with manie disgracefull and ignominious speeches he strake the said Johne with ane gad, whairupon the said Johne invadit the defender with ane drawin whinger whilk he tooke
The Lords therefore assize him, but ordain both parties to find lawssurety towards each other, John Leslie in 300 merks and John Reid in 100 merks.

Act of caution by John Leslie, younger of Pitcaple, in 300 merks that John Leslie of Artannes will not molest John Reid, servitor to the Laird of Cluny, in any way, otherwise than by course of law.

Act of caution by Sir Alexander Gordoun of Cluny in 100 merks for John Reid, his servant, not to molest John Leslie of Artannes, nor his family or belongings.

Supplication by Sir John Scot of Newburgh, as follows:—In the matters contentiously disputed between him and Andrew Scot before the Lords of Council and Session, at their last meetings the Lords of Ridhous and Balmanno were appointed to examine the accounts and bring the same to an end. They have taken much pains therewith and are now ready to report, and as the supplicant should be present to assist with such information and resolution as may be necessary on any questions or doubts which may arise, and his former protection has expired, he craves a new warrant. Charge having been given to the said Andrew Scot, and he comparing by John Scot, his son, and the supplicant by Mr. Robert Burnet, his procurator, the Lords grant him their protection until 7th January next.

Supplication by Sir Hew Wallace of Craigie, knight baronet, and William Wallace of Ellerslie, William Wallace of Preistickshaw, Robert Wallace of Barnwell, Robert Wallace of Brighous, John Tait of Adamehill, Mr. John Hamilton, minister at Craigie, Andrew Crawford of Drings, Mr. John Chalmers of Poquharne, Paul Glover of Trinitieland, John Wallace of Sheillis and James Wallace of , all cautioners for the said Sir Hew to David Cuninghame, his Majesty’s servitor, Nicol Edward, Robert Smith and William Cuninghame of Drongin, as follows:—The protection granted to the said Sir Hew and his said cautioners for their safely going about the country and attending his Majesty’s Exchequer for receiving payment of £20,000 for his surrender expires on the 14th instant, and the Exchequer has as yet taken no course for his satisfaction. They therefore crave a continuation of their protection, and this the Lords grant till Candlemass next.

Supplication by George Lawder of Bas and Isobel Hepburne, his mother, as follows:—Their protection expires upon the 14th instant, and they have now settled with James Livingstoun, their principal creditor, and are willing to agree with the others if their Lordships will renew their warrant for a certain space. The Lords continue their protection till 8th December next, provided the supplicants produce their evidents to James Livingstoun and his advocates before 1st December next.

Supplication by Andrew Dicksoun, master shipwright to his Majesty, as follows:—He is very hardly threatened by his creditors with hornings
and captions, and he could well meet their claims if he could only have payment of his disbursements in his Majesty's service, for which he has often petitioned their Lordships and received their warrants to his Majesty's treasurers, but as yet he has received no payment. He therefore craves their Lordships' protection, so that his person may be secure in attending to his business. The Lords grant him till 1st March next.

"The lyke protection past to Sir Willame Dowglas of Caughill for dealing with his creditours till the last of Januarie nixt."

"Another protection of the same nature past to Johne Landes, merchant burges of Edinburg, till the twenty fyft of November instant."

"The Lords ordains missives to be direct to the bishops for furthering the imbring of the contribuition collected within thair dioceis towards the releefe of the distrest ministers of the Palatinate."

"The Lords ordains Mr William Strutheres to agree with some responsall merchants for transmitting be exchange suche soumes as ar collected and brought in towards the releefe of the saids distressed ministers."

"Charges aganis Johne Henrie, skipper in Prestounpans, and Friderick Cocke in Pittinweme, to compeer the morne in the Exchecker hous to underly suche order as sal be enjoyed to thame for conducing of thair shippes for the transport of the Maister of Forbes companie."

"Forsameelke as collection being made within some few parishes of this kynedome of certane moneys freellie and willinglie contributit by the subjects towards the releefe of the distrest ministers of the Palatinate, and the saids moneys be warrand and direcction frome the Lords of Secret Counsell being delverely to George Suttie and William Gray, merchants burgesses of Edinburgh, to have beene sent be thame by exchange to Norenbeg in Germanie, where the saids distrest ministers with thair poore families now resides, the saids George Suttie and William Gray hes not had nor cannot have the occasion for the delyverie of thir moneys by exchange so speedilie and hastilie as the urgent necessitie of these distrest people requires. And whereas William Dick, bailie and burges of Edinburgh, out of his trew and tender respect of the distresses of thir poore people hes undertane, to his losse and hurt, to make this exchange for three of the hundredth, and the saids Lords finding no saulfer way for delyverie of thir moneys nor by the overture and course willinglie undertane by the said William Dick, as said is, thairfor the saids Lords ordains and commands the saids George Suttie and William Gray to delyver to the said Williame
Dick upon his acquittance the sowme of ane thousand pundis sterline togidder with thretty pundis sterline for exchange thairof out of the monies contributed and collected for this earand and delyvered to thame to the intent the said William Dick may with convenient diligence caus pay and delyver the saids monies to Philip Burlimakie, and in his absence to Monsieur Callendrime, merchants bankiers, resident at Londoun, to be sent be thame to the saids distrest ministers as ane present suppllee and helpe till the rest of the collection throughout the several parishes of this kingdome be imbrought and delyvered. And ordains the said William Dick to report to the saids Lords ane certificat of the exchange and delyverie of the saids monies to the saids Philip Burlimakie or Monsieur Callendrime with all convenient and possible opportunitie and diligence."

"Anent the supplication presented to the Lords of Secret Counsell be Dame Katharine McDouall, spouse to the Lord Uchtiltrie, makand mention that where the Erle of Cassillis, her sone, now in her distressed hes provydit ane lodging and maintenance for her and her poore children in Carrick, and for that effect he hes sent for thame to make their addressed thither with diligence, and seing it is lykelye that nather she nor anie of her children sall ever see her husband if at this tyme they be not permitted before their departure to have accessse unto him to the effect she may doe her last dewtie to her said husband and his poore children may gett his blessing, as the onlie portioun they ar to looke for at his hand, humbelie desyring thairfor the saids Lords to grant warrand to the keeper of the tolbuith of Edinburgh in maner and to the effect underwrittin, lykes as mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords and they advised thairwith, the Lords of Secret Counsell hes givin and grantit and be the tennour heirof givis and grants thair warrand to the keeper of the said tolbiuth to grant accesse and conference to the supplicant and her saide children with her said husband in the presence and hearing of Sir Archibald Achesone, Secretarie, and Sir Johnc Scot of Scottistarvet."

"Forsamekle as the Lords of Secret Counsell by ane act and ordinance bearing date at Perth the twentie ane day of September last, having appointed the fyftene of this instant to Robert, Erle of Roxburgh; Walter, Erle of Bucroleuch; and Francis Steuart, sonne to the lait Erle of Bothuell, for production before the saids Lords of the trow rentallis of the lands of the eredome of Bothuell and abbacie of Kelso, to the intent that his Majestie, being certified from the Counsell of the trow worth of the same, might thereafter proceed in maner and to the effect conteanit in the letter direct to the saids Lords concerning that purpose. According whairunto the saids parteis being callit and the said Francis Steuart compairand personallie, and the saids Erles of Roxburgh and Bucroleuch being oft tymes callit and not compairand,
the said Francis Steuart produced before the saids Lords the rentall of the eredome of Bothuell and Abbacie of Kelso, and craved a short day for proving of the same. With the quhilck desire of the said Francis togidder with the absence of the saids Erles of Roxburgh and Bugleuchie, partieis interested, and who at this tymeye furth of the countrie, the saids Lords being well advised, the Lords of Secret Counsell hes assigned and be the tennour heirof assignes to the said Francis Steuart the nynteene day of Januarie nixtocombe for proving of the rentall foresaid produced be him, and for that effect ordains letters to be direct at the instance of the said Francis for summounding of such persons as he will use as witnesses in this mater to compeir before the saids Lords the said nynteene day of Januarie nixtocombe to depone in sua far as they know or sall be speirit at thame in the said mater, under the pane of rebellion, etc., with certificatioun, etc.; as alsua for summounding the saids Erles of Roxburgh and Bugleuchie be opin proclamation at the mercat croce of Edinburgh, peir and shawe of Leith, upon three-score dayes, in regarde they ar presentlie furth of the kingdome, to compeir before the saids Lords the said nynetene day of Januarie nixt to heare and see the persons to be produced be the said Francis Steuart receaved, sworn and admitted as witnesses in the said mater, with intimation as efeiris. Provoying alwayes, lykeis it is heirby declared that if it sall happen the Erles of Roxburgh and Bugleuchie or either of thame to returne within this kingdome before the said nynetene day of Januarie nixt in that cause it sall be lawfull to the said Francis Steuart to summound the partie or partieis so returning as alsua the witnesses whome he will use againis thame to a shorter day upon a lawfull citatioun of ten dayes warning."

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King's Advocate, Adam Abircrombie of Aldrayne, and Alexander Abircrombie of Birkinbog, as follows:—The bearing of hagbuts and pistols, and convocation of the lieges in arms has been often forbidden by the laws, yet on 4th September last, "being Sunday, the said Adam Abircrombie having come to the kirk of Aldrayne, quhilck is his ordinarie parish kirk, and pressing to sit down in his proper desk there, where John Leith of Harthill was sitting he desired the said John to sit up and to suffer the compleiner to sit beside him, quhairunto he verie prouidlie answered in the hearing of the hail people that he should have no seate there and did quhat in him lay to stirre up the compleiner to enter in ane quarrell with him in the kirk, quhilck he Christianlie forboores, out of ane respect to his Majesteis lawes and discipline of the Kirk." Further, on the 11th of the same month William Areskine in Tocher, Alexander Areskine in Dorlethin, Mr Alexander Strauchine, John Leith of Newlands, George
Leith, his brother, and George Scot in Altharhill, with others and convocation of the lieges to the number of persons, armed with swords, staves and other weapons and the prohibited hagbuts and pistolets, came to the said Alexander Abirrombie’s seat in the said kirk, “placed themselfe violently therein of purpose to have debarred him theretof, so as he was forced for eshewing of trouble in the kirk to stay in the hous of Patrik Leith, and sent to the said William to inquire of him why he thus debarred him frome his owne seate; who returned him this answer that he could see before the said Alexander gott roume there. And thereafter he went to the kirk where he and his complices walked up and doun in the view of the haill people in a swaggering and insolent maner, bragging that he would try the mater with the compleiner hand to neiff and if he refused he appealed his eldest soine or anie Abirrombie in Scotland and desired him to sett a day when he would keepe the best part of the kirkyard agains the compleiner and all that would take his part in Scotland; quhairby the minister wes forced to forbeare all divine service and to dismisse the people that day.” Moreover, on the Tuesday thereafter, the said William Areckine, accompanied and armed as above, came to the said Alexander’s dwelling house of Westhall and lay about it a long time, “crying aloud in contempt and derision, ‘Where is the Laird? Darre he now be seene?’ callit upon one of the compleiners servants, commanding him to tell him that at the nixt meeting he could try his courage in another maner, with a great number of the lyke irritating and provoking speeches.”

And now recently, upon 13th September last, when in walking peaceably beside the Water of Don the said Adam and Alexander Abirrombie accidently fell in with the said John Leith of Harthill, John Leith of Newlands and George Scot, who were then in company with the Bishop of the Yles, no sooner did the said John Leith perceive the complainers than he called for his guns for the purpose of shooting them. Charge having been given to the said John Leith of Harthill, William and Alexander Areckine, Mr. Alexander Strauchane, George Scot, John Leith of Newlands, and George Leith his brother, of whom only John Leith of Harthill and William Areckine compaired, and the pursuers being personally present, and parties having been heard, the Lords assoilzie the said William Areckine from the whole points of this complaint, because the pursuers having referred the proof of the same to the oath of verity of the said William, he being sworn, denied that it was true. [Nothing is said about the remant defenders.]

Complaint by Alexander, Master of Forbes, as follows:—Their Lordships know “ what service he hes undertane under the King of Sweden for discharge quhairof he hes to his great and extraordinarie charges sent away to Trailisound aucthene hundredth men in forranke shippes for the most part, the countrie people not onelie being extraordinarie in his [sic] pryces but also refusing to transport his men. And there being now
latelie certane companeis of men come frome Ireland to the compleuner lying about and in the towns of Edinburgh and Leith to his great charges and expenses, he has dealt with sirdrie skippers and maisters of shippes to transport the saids companeis and has offered to thame double fraucht, but they altogidder refuse this service, so as thereby the compleuner will be forced to disband thir companeis, who being ane number of poore creatures will not faile to fall out in diverse stouthreaftes and thiefs to the great oppression of the countrie." Charge having been given to James Hendersoun, skipper in Prestoun, and Friderick Cooke in Pittinweem, who both compeared, and the pursuer appearing by Captain John Forbes, his procurator, the Lords, after hearing parties, "considering that this is a pece of service quhill cheeflie concerns his Majestie both in honnour and state, the disappointing whairof will tend verie farre to his Majestis offence and displeasure," ordain the parties to meet to-morrow at eight o'clock in the forenoon with William Dick, bailie, burgess of Edinburgh, "to the intent he may travell betuix thame for settling of thair differenceis anent the conditions of thair imploymet in this service." And if they cannot then come to an agreement, the Lords command the provost and bailies of Edinburgh to send "some sufficient and honest men to take tryall of the saids defenders thair shippes and how and upon what conditions they may serve and undergoe this service, and accordinglie to caus thame embrace the service upon suche reasonable conditions as they sall prescyrve and sett dou; or otherways to caus arreist their shippes quhairthrow they depairit not for anie other imploymet." And the defenders enacted themselves, each in £2000, to appear before the Lords on Thursday next, the 17th instant, in the event of their not coming to an agreement and hear their Lordships' further pleasure in this matter.

Complaint by Mr. John Paterson, parson of Aldhamstockes, as follows:—He is lawfully provided to the benefice of Aldhamstockes and the parsonage and vicarage teinds of the same, in virtue whereof he (as all his predecessors were) is in possession of the teind fish of the parish of Colbrandaspeth (which is a pendicle of the kirk of Aldhamstockes) "by leading, teinding and drawing of the haill teind fishes, great and small, of all fishes and all boates within the said parish;" and his possession thereof has never been questioned until that, lately, Mr. James Nicolsoon of Colbrandaspeth pretending right thereto, and disdaining to prosecute his pretended claim in a lawful way, is resolved by way of "deid, bangsterie and oppressioune to debarre and seclude the compleuner from the saids teind fishes and to appropriat the same to himselfe. And for this effect he verie imperiouslie discharges the fishers to pay to the compleuner any teind fishe, and if they refuse, he at his awne hand without warrand or commissioun exacts and extorts from everie boat the soume of sax shillings sucht penneis, quhairby manie of the fishers seek unto others habereis and landing parts." Recently on the com-
plaintain's servants having laden some horses with the teind herring of the said parish, the said Mr. James Nicolsoun, accompanied by his tenants and servants, came to them and exacted customs for the said teind herring, which they were never in use to pay, threatening in case of refusal to throw the herring to the ground, and the poor men for fear of their violence were forced to give them double custome for the same. Charge having been given to the said Mr. James Nicolson, and both pursuer and defender appearing and having been heard, the Lords remit the trial of their cause to the Lords of Counsell and Session as the proper tribunal in such a matter.

Complaint by John Leslie, younger of Pitcape, as follows:—Their Lordships know that John Meldrum, sometime in Badinscoth, having compeared before them for trial on the charge of burning the tower of Fendraught, was committed to ward in the tolbooth of Edinburgh in November 1630, and has since remained in that imprisonment upon the complainant's heavy charges. The prisoner has no means of his own, and it is only right that those who insist on his remaining in prison should maintain him there and that the complainant be relieved. Charge having been given to James Crichtoun of Fendraught and Mr. James Ferquharsoun, agent for the Marquis of Huntlie and Lord Gordoun, the pursuer compeared personally, also the said Mr. James Ferquharsoun, and Mr. James Baird, as procurator for the Laird of Fendraught, who declared that he would not insist against the said John Meldrum and should not therefore be burdened with his maintenance. Mr. James Ferquharsoun, however, on behalf of his clients, desired that all parties interested in the case should be called; whereupon the Lords free and relieve the pursuer of all further maintenance of the said John Meldrum during his remaining in ward on the above charge, and ordain the Marquis of Huntlie and the Earl of Erroll to be cited to hear them ordained to support the said John Meldrum in ward from this date.

Supplication by Robert Craw of East Restoun as follows:—Their Lordships having assumed the modifying and determination of the assitement to be paid by Robert Miller, sometime in Swyneord, for the slaughter of the supplicant's brother, he has come to town to insist before their Lordships in this matter, but he is under the danger of some hornings for cautionries and small debts which the said Robert intends to use for preventing him pursuing in this matter, and he therefore craves their Lordships' protection during his attendance on the case. The Lords grant him this until 19th November instant.

"A letter from the Counsell of Lubeck tuictheing a shippe of that towun unlawfullie takin be Sir William Alexander and decentry pryz. Ordains all parteis having interesse to be called."

Sedente—Chancellor; Privy Seal; Perth; Traquair; Secretary
Clerk Register; Advocate; Sir John Scot; Sir James Baillie.

Sedent—Chancellor; Privy Seal; Perth; Traquair; Secretary
Clerk Register; Advocate; Sir John Scot; Sir James Baillie.
"Forsameekle as there hes beene diverse Acts of Parliament made be the Kings Majestie his darrest father of evertall memorie anent the religious education of noblemens children, lykeas the Kings Majestie himselfe, he by diverse letters writtin to his Privie Counsell recomenditt the same to thame; and whereas Robert, Erle of Nithisdaill, is vehemently suspected in his religioun, and that the remaining, Lord Maxwell, his son, in his companie may prove verie dangerous to the youth, and now in his tender yeeres infect and poyson him with opinions whairfro it will be difficill thereafter to reclame him, thairfor the saids Lords ordains letters to be direct charging the said Erle of Nithisdaill to bring, present and exhibite his said sonne before the Lords of Privie Counsell upon the day of , to the intent order and direction may be givin for his breiding and education in the treu religioun presentlie profest within this kingdome, under the pane of rebellion, etc., with certification, etc."

"Forsameekle as Andro Andersone, one bussie and traitifing Papist, is apprehendit and lying in the pledge-chamber of Dumfreis and sindrie suspet letters have beene gottin upon him, quhairfor necessar it is that he exhibite before his Majestie Counsell to be examined and order to be tane with him accordinglie; thairfor the Lords of Secret Counsell ordains letters to be direct charging the provest and bailleis of Dumfreis to delver the said Andro Andersone to the Sheriff of Dumfreis within six hours after the charge, under the pane of rebellion, etc.; and siclyke charging the Shireff to receave the said Andro frome the saids provest and bailleis and to bring and exhibite him before the saids Lords upon the day of , to the effect abowewrittin, under the pane of rebellion, etc., with certification, etc."

"Anent the supplication presented to the Lords of Secret Counsell be the halis advocats, clerkes of Sessioun and Exchequer, Writters to the Signet, Privie and Great Seales and others members of the Collode of Justice, makand mention that where in the Parliament haldin be our Soverane Lords darrest father of evertall memorie in the moneth of August jay thirtie yeeres, at the granting of the taxatioun to his Majestie be the Estates of this kingdome, the saids supplicants of their owne consents voluntarlie offered and did accordinglie thereto pay of the said taxatioun to his Majestie Collectour Generall the soume of ten thousand merkes money, upon this special provision that their said voluntar offer sould not prejude nor impaire their libertie, priviledges and immunitieis in tyme thereafter, whilk was accepted, and the Estates of Parliament be their act made anent the said taxatioun declared that the supplicants said offer sould nowayes derogat to their privilegdes and immunitieis, but that the same sould be kepeed and observed unto thame and their successours in all tyme comming unprejudged be the said offer; lykeas also sensyne in the taxatioun grantit to his Majestie be the Estates of this realme in the moneth of October, 1625 yeeres, in their Act of
Conventioun the lyke declaratioun wes made in the supplicants favour upon their voluntarie offer of the lyke soume of ten thousand merkes, quhilk wes accordinelie payed be thame under the speciall provisioun and condiutioun anent their priviledges, liberteis and immunitiis. And now the supplicants considering that the Estate of this realme being conveenend in the moneth of July 1630 yeere last bypass hes grantit unto his gratious Majestie the lyke taxatioun as wes grantit to his Hienes in the twa preceeding taxatiouns foressaids with the lyke condiutioun and reservatioun of their priviledges under provisioun that they sould make the lyke offer unto his Majestie as they did in the former taxatiouns, and that their said offer sould be accepted with all provisiouns, exceptiouns and condiutiouns grantit to thame before and mentiouned in the saids acts and conforme to the tennour thairof in all points; and the supplicants being willing to make the said offer and to pay to his Majestie and his Hienes collectours of the said taxatioun the lyke soume as they payed of before in the samine twa preceeding taxatiouns, under the speciall provisioun and after the lyke qualitie and condiutioun as is conteanit in the former acts; heifor the saids supplicants doe by these voluntarielie offer unto the saids Lords to pay to his Majesteis Collectour of the said taxatioun the said soume of ten thousand merkes money; humbelie desyring thairfoir the saids Lords to accept and receave thair said offer under the lyke provisioun, qualitie and condiutioun anent thair liberteis, priviledges and immunitiis as is conteanit in the saids twa former acts, lykeas at mair lenth is conteanit in the said supplicatioun. Qhilk after reading in the saids Lords audience, being callit, and Mr. Robert Learmonth, Deane of Facultie, Mr Andrew Aitoun, Mr Lewes Steuart, Mr Robert Narne and Mr David Prymois, advocats; Mr Alexander Gibsone, one of the clerkes of the Sessioun; Mr Francis Hay, David Andersone, Mr James Law and James Stratoun, Writers to the Signet, commissioners nominat and appointed be the advocats, clerks, writers and others members of the Colledge of Justice for making the offer foresaid, compeirand personallie, they with all dewtfull respect made the offer foresaid of ten thousand merkes in satisfactioun of thair parts of this present taxatioun for the hail termes payment thairof, and humbelie desired the saids Lords to accept and receave thair said offer upon the lyke provisiouns and condiutiouns anent thair liberteis, priviledges and immunitiis as is conteanit in the twa former acts abonewrittin. Qhilk offer being heard and considerit be the saids Lords, and they considering that the not tymous making of the said offer proceedit not upon anie purpose or intentioun in the saids supplicants to frustrat his Majestie of the said soume, thairfoir the saids Lords hes accepted and receaved and be the tennour of this present act accepts and receaves the offer foresaid of ten thousand merkes made be the saids supplicants in satisfactioun of thair parts of the said taxatioun for the hail termes payment thairof upon the lyke provisiouns, qualitie and condiutioun anent thair liberteis,
priviledges and immumiteit as is conteanit in the twa former acts abone-
written and conforme to the tennour thairof in all points; quhilk
provisions and conditions the saids Lords holds as insert in this present
act; lykeas the saids Lords hes dispensed and be the tennour heirof
dispenses with the not tymous making of the said offer within the terme
and tym be preservyd be the act of the Estaitis, and exoner the saids
suppllicants of all danger and inconvenient that they may incurre thair-
throw. And the saids Lords ordains and commands the Collectour
Generall of the said taxatioun to receave fra the saids suppllicants pay-
ment of the said soume of ten thousand merkes now offerd be thame
in satisfactioun of their part of the said taxatioun; anent the doing
whereof the extract of this act sall be unto the said Collectour Generall
ane warand. And the saids Lords ordains the saids suppllicants to make
payment to the said Collectour of the said soume of ten thousand merkes
now offerd be thame as said is betuix and the first day of Januarie
nixtoome but forder delay; and the saids Lords declares that all
persouns whatsoever not being advocats, or clerkes, and yitt pretending
thame to be of the number of the members of the College of Justice but
not conteanit in the stent roll made for payment of the said soume sall
have no benefite of this present act, but sall be seclud and debarrd
therefra; and ordains letters to be direct heirupon, if neid beis, in forme
as effeiris."

"The whilk day the missive letter underwritten signed be the Kinge
Majestie and direct to the Lords of Privie Counsell was presented to the
said Lords and read in their audience, of the quhilk the tennour
followes:—Charles R. Right trustie and weilbelovit cousine and
counsellour, right trustie and weilbelovit cousines and counsellours, and
right trustie and weilbelovit counsellours, we greit yow weill. The Lord
Ochiltrie, having beene examined before our Counsell heere touching
some information givin by him reflecting upon some of the nobilitie of
that our kingdome, we have beene pleased to remitt him thither to be
tried according to the lawes thairof, having to that purpose sent yow
beere with enclosed some depositions under his owne hand and the
authentic copeis of others, whereof the principalls we cause reserve
heere because they lykewayes concerne others persons. Our pleasure is
that having givin order for receaving and committing him to saulte
custodie yow caue try and censure him according to our saids lawes
before what judicatories and judgeis yow sall thinke fitt and competent for
that purpose, and for your so doing these sall be your sufficient warrand.
Givin at our honour of Hampton Court, the 24 of September, 1631.
Quhilk missive being heard and considerit be the saids Lords and they
advised thairwith, the Lords of Secret [Counsell] ordains and commands
Sir Thomas Hope, his Majesties Advocat, to consider how farre the
Lord Uchiltrie is punishable by law and to report upon Tusday
nixt."
Complaint by Sir Thomas Hope of Craighall, King's Advocate, and William Areskine in Tocher, as follows:—The bearing of hagbuts and pistols and convocation of the lieges, has been often strictly prohibited, yet, upon some sinister information made about the said William Areskine to Alexander Abercrombie of Birkinboig touching a seat and desk in the kirk of Rayne “wherein he had priviledge to accommodat himselfe for hearing of the preaching,” and some other particulars about which he was innocent, and though, out of his respect for the said Alexander being “his speciall and tender freind,” he went to him on the Wednesday preceding the Sabbath, and cleared himself to his apparent satisfaction, as they parted “in verie kynde and loving termes of freindship,” the said Alexander, knowing that the complainer would be at the kirk on the following Sunday as usual, resolved to give him some notable affront and disgrace that day. For this effect he consulted with Adam Abircormbie of Aldrayne and, between the Wednesday and the Sunday, they or either of them went personally to such gentlemen of their kin and friendship in the country as would rise with them and accompany them on that day to the kirk of Rayne in hostile and warlike manner. Accordingly George Leslie, apparent of Kincrargie, Alexander Leith of Newrayne, Hector Abercrombie of Fetterneir, and Walter Barclay, servitor to John Leslie, elder of Pitcaip, with convocation of the lieges to the number of eighty persons on horse and foot, all armed with “jackes, secreits, mailzie coats, plaitseaves, stealbonnets, gantlets, and the forbidden hagbuts and pistols,” came at the bidding of the said Alexander and Adam Abercrombie, who were also present with them, to the kirk-toun of Rayne for the purpose of debarring the complainer from his seat in the kirk. “And being in the said kirkton quhilke is in view of the kirk and kirkyard they walked in ane hostile and warrelke manner with two captans marching upon the heads of their companeis hard by the kirk without respect to the Lords Sabbath, and they remained in a swaggering manner in and about the toun sending some of their number hard to the yaird dykes; by occasion whairof the minister fearing some great evill and inconvenient caused locke the kirk doores; quhereat they being miscontent they sent thair agents for thame to the minister that the doores of the kirk might be made patent to thame to the intent they might ather have debarrd the said compleaner fra his seate and desk in the kirk or than have committed some insolent and disgracefull bravado upon him; bot the minister still perceaving thair violent course refused to opin the doores or to preache that day; lykees in respect of the feare of thair tumult there wes no preaching.” Charge having been given to the said Alexander, Adam and Hector Abercrombie, George Leslie and Alexander Leith, and they with the pursuers person—
been adduced by the pursuers, the Lords on their evidence found the
said Adam Abicrombie guilty of convocation of the lieges in arms and
bearing forbidden weapons and commit him to ward in the tolbooth of
Edinburgh until he be released; but they assoilzie the said Laird of
Birkinboig, because probation in his case being referred to his oath of
verity, and he being sworn and questioned "if he sent or wrote for
Alexander Gordoun of Achnamochie to come and assist him at the kirk
the tyme libellit the said Laird depouned that having intioun to
marie his daughter the Sunday lybellit he wrote for Achnachie to
come to the marriage, but that the marriage day was preveenned, she being
married without his knowledge upon Tuesday; and denied that he sent
for the Laird of Geicht, Pitcaple, Iden, Adame Gordoun, nor for William
and Robert Dempsters nor Ardlogie to come to the kirk to debarre the
persewer from his desk, and denied that he had anie intioun to doe
anie suche violent deid." The Lords also modify the sum of £10 to
each of the witnesses, and £5 to Mr. John Logie, minister, in addition to
his first modification, to be paid by the producer.

Supplication by Hector Abicrombie of Fetterneir as follows:—He
is engaged as cautioner for Sir John Leslie of Wardes in certain great
sums of money in respect of which legal process has passed against him,
and upon some pretext or other Sir Alexander Gordoun of Cluny has
seized upon his whole living, extending to eight score chalders of victual,
which he uplifts for his own and the said Sir John's use, and meanwhile
they have obtained from his Majesty protections for themselves and
some of their friends but have left him out, and so have exposed him
and his whole estate to the burden of their debts and the wrench of
himself and his poor family. Charge having been given to the said Sir
Alexander Gordoun and he and the supplicant comparring and having
been heard, the Lords find "that the said persewer hes beene unkyndelie
and unthankefulie dealt with be the said Laird of Wardes and others
who to his behove purchast the protectioun foresaid by omitting and
leaving of the said persewer out of the same, he being ane of the said
Laird of Wardes his cautioners and heavlie distrest and troubled for
his debts"; and as equity and justice demand that the burden shall not
lie upon one while the others are shielded, they grant their protection to
the supplicant in so far as respects his engagements for the said Laird
of Wardes until 8th August next, which is the day to which the said
protection in favour of the Laird of Wardes extends.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and by
Complaint by
Adam Abicrombie of Aldrayne and Alexander Leith, his son-in-law, as
Adam Abicrombie
follows:—Though the wearing of hagbutes and pistols, convocation of
Adam Abicrombie
the lieges in arms and hounding out of broken men against his Majesty's
good subjects has been strictly prohibited, yet John Leith of Harthill,
Aldrayne and
Alexander Leith, his son-
in-law, against
Aldrayne and
Alexander
Leith,
John Leith of
Harthill
and
others for
carrying

who has long borne malice towards the said Adam for the sole reason
that he has married the said John's mother, "daylie threatens to bring
doun brookin Hieland men and sormers to burne, herrie and spoyle the complainers tenants and their lands." For this end he went in July last to Loquhaber and hired certain broken Highlanders, of whom the Tutor of Glenneves and his brother were the chief, and brought them armed with "bowes, darloches" and hagbuts and pistols on 28th July to the market of Aldravine, where Laurence fair was held that day, the custom and toll of which belongs to the complainer, and they searched up and down the market for him in order to kill him; and if the parson of Rayne and some of the well-affected gentlemen had not persuaded them to depart they would have committed some great insolence. Charge having been given to the said John Leith, and he and the pursuers compearing and they and some witnesses having been heard, the Lords find the said John Leith guilty as libelled and commit him to ward within the tolbooth of Edinburgh, there to remain upon his own expenses until he be released.

Complaint by David Foullis of Leidhills, Alexander Hamilton, his servant, John Schanklaw, William Tennent, Richard Tennent, and William M'Weill, as follows:—Their Lordships committed them to ward within the tolbooth of Edinburgh upon the complaint of George Foullis, Master-Coiner, and John Mure of Anatatsoun, of their alleged taking of the hous of Leidhill and removing Anatatsoun's wife and children therefrom. As the matter in controversy between the parties has now been fully settled and their party has given consent, they ought now to be released from ward. The pursuers compearing by Sir William Baillie of Lamington, and the said George Foullis and John Mure being also personally present as defenders, and having been heard, the Lords ordain the provost and bailies of Edinburgh to set the pursuers at liberty; because Sir William Baillie became cauterier for each of them in 100 merks that they would compeare before the Lords on the first Council day of December next if they failed to agree with the said George Foullis and John Mure; and further in 300 merks for each of them that they would not molest the said George Foullis and John Mure.

"Ane missive from his Majestie to the Lord Chancellor for continewing the tryell of the rentall of the Abbacie of Kelso till the fyftene of Januar nixt, whilk missive the Lords ordains to be registrat."

"After our verie heartillie commendations to your good lordship: Your lordship remembers of the charges qhillks wer latele sent to your lordship agans the provest and bailleis of Jedburgh for delyverie of Robert Swan to your lordship, since qhillk tyne the Shirreff of Northumberland by his letter sent thither hes craved delyverie of this man to be made to him to the intent he may caus execute justice upon him within the bounds of his office, quhair his thights and stouthes wer most frequent and ordinar, and he hes undertaune upon a great soune of money ather to caus execute justice upon him or than to redelyver him"
backe heere to undergoe his tryell and punishment. And because he is ane for execution by the said Englishman and is best knowne in these parts where all his thists were committed and quhair his punishment will be more exemplar nor in anie other part, we have thairfor thought it not amisse that delayverie be made of him, if your lordship pleases and hes not as yitt caused execute justice upon him; but we remitt it to your lordships owne consideratioun and discretion whether yow will delayver him or caus execute justice upon him there according to our warrand formerlie sent unto yow; requiring your good lordship to resolve upoun the one or the other with diligence, and accordinglie to doe therein as your lordship sail think most expedient; and so committing your lordship to Gods protection we rest, etc. Halyrduhous, 17 November, 1631. Subscribitur, Geo: Cancell, Hadintoun, Perth, Sf Thomas Hope, Scottistarvet, Hamilton, James Baillie.

Sederunt—Chancellor; Privy Seal; Perth; Linlithgow; Lauder; Holyrood House, 22nd November 1631.

"Forsameekle as the King's Majestie by his letter directed to the Lords of his Prive Counsell, having signified his roynall pleasure and direction that James, Lord Uchiltrie, whom his Majestie hes sent home to be kepeed in close ward, sall be tryed and censured according to the lawes of this kynge for some informations givin be him reflecting upon some noblemen and counsellors of the same before what judicaturie and judges the saids Lords sould thinke fitt and competent to that purpose, and his Majestie having to that end sent down to the saids Lords some depositions under the said Lord Uchiltrie his owne hand and the authentick copie of others whairof the principall ar reteaned be his Majestie, becaus they lykwelsey concerne others persoouns; and the saids Lords having read and considderit the same and having tane to thair consideration whilk is the most proper judgement for trying and censuring of maters of this kynde, they have all in one voice found and be the tennour of this act finds and declares that the tryell and censuring of the said act upon the particular foresaid is most proper and competent to be followed out before his Majesteis Justice. And thairfor ordains Sir Thomas Hope of Craighall, knight, his Majesteis Advocat, to forme and draw up the said Lord Uchiltrie his dittay and to persew him criminallie thereupon before his Majesteis Justice upon the last day of November instant; and ordains his Majesteis said Advocat to give ane just copie of the dittay to the said Lord Uchiltrie betuix and the twentie fourth of this instant at night, to the intent he may have tyme to be advised thairwith, and to consult his advocats anent his lawfull defences competent to him aganis the same; anent the

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doing whairof the extract of this act sall be unto his Majesteis said
Advocat ane warrand."

"The Lords of Secret Counsell according to ane warrand in writ
signed be the King's Majeste and this day presented to the saids Lords
prorogats and continewes the dyet appointed to Alaster Grant, prisouner
in the tolbuith of Edinburgh, for his criminal tryell before his Majesteis
Justice untill the tent day of Apryle nixtocomme. Followes his
Majesteis missive for warrand of the act abonewritten. CHARLES R.
Right trustie and weibelovit cousine and counsellour, right trustie and
weibelovit cousines and counsellours, and right trustie and weibelovit
counsellours, we greit yow weill. Whereas we have givin order to some
of our cheefe officiars of that our kingdome who ar there for composing
of suche feades and differences as ar amongst the name of Grant, not
intending thereby that suche malefactors of that name who have trans-
gressed our lawes and brokyn our peace in these parts be lett goe
unpunished, if any wayes found guiltie or accessorie therunto; and
understanding that Alaster Grant (who of a long tyme hes been a
prisouner for crymes alleged against him of that kynde) is shortlie to be
putt to his tryell, and that it is requisite for the better cleering of the
truthie therein that some longer tyme be prescribed for that purpose,
our pleasure is that the said tryell be continued till the tenth day of
Aprile ensuwing, before whiche tyme we will expect that further light
will be givin therein. We bid yow farewell. Frome our Court at
Whitehall, the tent day of November, 1631."

"The whilk day in presence of the Lords of Secret Counsell com-
peired personallie Thomas Gordoun, brother to James Gordon of
Letterfoure, for obedience and satisfaction of the act whereby he was
obleist to that effect, and humbelie desired that he might have some
longer tyme assigned unto him for his better resoluuion in the points
of his religiuon whairof he stands in doubt. Quhilke desire being heard
and considerit be the Lords and they advised chairwith, and being
willie to use all faire meane for reclaiming of the said Thomas froome
his erroors and resolving of him in the truthie, thairfoir the saids Lords
hes prorogat and continewed and be the tennour heirof prorogats and
continewes the former act whairby the said Thomas wes actit concerning
his religiuon untill the fyfteen day of March nixtocomme. Lykes the
said Thomas, being personallie present, actit and obliest hymselfe of new
to enter into conference with his ordinar, pastour betuix and the 15
day of December nixtocomme and that he sall continue and heare
conference twice in the weeke (if he be required) for the space of six
weekes; and if enduring that tyme he cannot be moved to repaire to
the kirk for hearing the Word, that than he sall compeir personallie
before the saids Lords upon the said fyfteen day of Marche nixt for
receaving chair their forder will and pleasure concerning him, and that in
the meane tyme he sall carie himselfe soberlie and modestlie, without
giving occasion of offence or scandal to the Kirk under the pane
of ane thousand merkes, incase he faillie in anie point of the
premisses."

[Sederunt as recorded above.]

Supplication by John Gordoun of Craichlaw as follows:—For furthering
the service in which he is engaged under Lord Spynie in the wars of
Germanie he has contracted some petty debts, not exceeding £1000 in
all; and having returned home to take order with these he was set
upon by Roger Gordoun, son of Hew Gordoun of Grange, and some
others and wounded to the peril of his life. He has raised an action
before their Lordships against him for this assault and intends to prose-
cute before 31st January next, but lest advantage be taken of some
hornings under which he lies, and of which he is willing to purge himself,
if their Lordships will grant him a short space for that purpose, he
craves their protection. This the Lords grant till 31st January next.

Supplication by Thomas Kirkpatrik of Closeburne, as follows:—He
has employed the time granted to him by their Lordships in giving
satisfaction to Robert Charters of Kelwod and Bryce Sempill of Cathcart,
his chief creditors, but there are still some small debts due by him of
which he would willingly disburden himself if they would grant him a creditors.
continuation of their protection till Whitsunday next, which accordingly
he craves. The Lords grant him until 31st January next.

"Another protectioun exped to Robert McClellane of Nuntoun to the
last of this instant for attending ane actioun persayed before the Counsell
againis him be Edward Maxwell of Balmaggen."

Supplication by John Rind, David Jonkein, James Lands, William
Fairlie, Alexander Crawford, James Forsythe, Alexander Broun, younger,
David Mitchelsoun, Stevin Boyd, and Janet Trenche, the principal
creditors of John Lands, as follows:—Their Lordships' protection to the
said John Lands expires on the 25th instant, and he "hys kythed ane
honest and upright intienioun towards the supplicants in so farre as
now the writs and securiteis concerning their satisfactioun ar drawin
up." If their Lordships will therefore continue the protection, "they
hope this busines sall take ane good conclusion." The Lords extend it
until 8th January next.

"The whilk day the missive letter underwritten, signed be the Kings
Majestie and direct to the Lords of Privie Counsell, was presented to the

sails Lords and read in their audience, of the quhilk 'the tennour follows:—CHARLES R. Right trustie and weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greet yow well. Whereas we have fullie resolved to repaire at the ensuing spring of the yeere to that our ancient kingdome for receaving our crowne and holding a Parliament there, and being carefull (according to our former pleasure signified to that purpose) that at that tyme all things may be in that good order and decencie as most convenientlie can be done and as shall be found most requisite, our speciall pleasure is that yow seriously consider of what is fitt to be looked unto and provided at our comming and during the tyme of our abode there, and that yow caus signifie this our pleasure and give order accordinglie to all our officers and subjects whome it may concerne; and amongst other things that yow have a speciall care for causing preserve our game in our parkes, forrests and others places of sport accustomed by our royall father, and to that effect that yow give order for doing of suche things and providing of suche cautions and penalties to be inflicted upon the transgressours as yow shall thinke most fitt and necessarie for that purpose; all which we doe in a speciall maner recommend unto your care, and bid yow farewell. Frome our Court at Whitehall, the sixteene day of November, 1631. Qhilk missive being heard and considerit be the saids Lords, they continuie thair advisement upon the particularis till the nixt Counsell day; and ordains the acts and proclamations made the tyme of the lait Kings douncomming to be revised and reported that day."

"Forsameekkle as the Kings Majestie by his letter direct to the Lords of Privie Counsell hes signified his royall will, pleasure and directioun, that Patrik Con sall have licence to abide in this countrie for following out of his bussines during a certane tyme, as his Majesties said letter beiris; quhilk being read and heard be the saids Lords and they having considerit the informations and reasons conteunit thairintill, and being carefull to understand the truthe of the same that accordinglie they may give unto his Majestie the better satisfactioun and contentment, they have thairfoir givin and grantit and be the tennour heirof givis and grants thair warrand to the said Patrik for his saulf abode in the kingdome till the day of Januarie nixt, that in this meane tyme the saids Lords may the better informe thame-selfis concerning the truthe of the informations made to his Majestie in this bussines; discharging heirby all shireiffs, stewartis, bailleis of regalitieis and their deputis, provestis and bailleis within burgh and all others judges, officiars and magistrats to burgh and land, and als all messengers of armes of all taking, apprehending, warding or troubling the said Patrik be vertew of anie excommunication, horning or other warrand direct thereupon, discharging thame thairof and of thair offices in that part during the space foresaid; provyding alwayes that during the said space he give no scandall nor
just offence to the Kirk nor governement and that he traffique nor resset Jesuits, seminari nor messe preists, otherways this warrand to be null and to have no force nor effect. Followes his Majesteis missive for warrand of the act abonenwritten. CHARLES R. Right trustie and wellbelovit cousin and counsellour, we greit yow weill. We ar informed by pettioun from Patrik Con that he having in obedience to our lawes and late orders of our Counsell retired hisselfe and his familie furth of the countrie before anie processe intentit anagis him for not conformitie, wes notwithstanding by the Presbyterie of Aberdein excommunicat after his departure and by consequent thereof that these to whom he entrusted his estait have hitherto and may still (though unjustlie) deteane it frome him, except we out of our princible commiseratien dispense with the rigour of the law and grant him our licence to abide and follow his busines within the countrie for one whole yeere. We therefore considering that the petitioner, being frome his cradle bred in poperie and having yeeldit humble and tymelie obedience to our lawes and governement, ought not in equitie or reasoun to incurr the punishedsments that ar dew to disobedients onelie, have thought fitt (if the information be trew) to grant him licence to abide within the countrie and follow his busines for the space of one whole yeere, and to dispense with the consequences of his excommunication for the said space in so farre as they may concerne or prejude the libertie of his person or the recoverie and injoying of his estait; willing therefore and requyring yow to give notice heirof to anie whome it may concerne, speciallie to the two supreme twinnis of judicatoreis, our Counsell and Collodge of Justice, and by your auctoritie frome us give foder order for the petitioners securitie and saulfetie as sall be needfull; provyding alwayes that induring the said space he give no scandall nor just offence to the Church or governement, wherein not doubting of your care and conformitie to this our pleasure, we bid yow farewell. Givin at our Court at Whitehall, this 28 of October, 1631."

"Anent the complaint made to the Lords of Privie Counsell by Robert, The case between the Earl of Roxburgh, makand mention that where, as he is informed, the saids Lords hes assigned unto Francis Steuart, sonne to the lait Erle Bothwell, the 19 day of Januarie nixt for proving of the rentall givin in be him of his lait fathers estait and living, since the appointing of the quhilck dyet the saids lords hes receaved ane letter from his Majestie to signifie his royal will and pleasure that nothing be proecedit in that busines whill the 15 day of the said moneth of Januarie; and upon the assignatioun of this terme the said Francis hes raised letters aganis the witnesses whome he intends to use for proving of the said rentall for their compeirance the day foresaid to beir witnessing therein, and he intends, if his credite will serve him, to have the witnesses receaved and admitted that day, although it is farre aganis his Majestie royall heart and intentioun that anie proceeding at all sall be in this busines
till the said Erle first be heard both to object againis the forme of tryell and againis what other course sall be intendid therein. And anent the charge givin to the said Francis Stewart to have compeird personallie before the Lords of Privie Counsell this present day to have heard and seene him discharged of all using or causing of anie letters to be used or execute for proving of the rentall foresaid givin in be him the said 19 day of Januar nixt bot to suffer the same to rest and cease till the said fyftene day that the said Erle be heard to object againis the course and order of proceeding, with certifiacion, as is after specified, lykeas at mair lenth is conteanit in the said complaint, executions and indorsations thairof; qhilkis being callit and the said perserwe compeirand be John Dunlop, his procurator, and the said defender being personallie present, the reasons and allegations of the said parteis being heard and considderit be the saids Lords, and they being thairwith and with his Majesties letter foresaid weill advised, the Lords of Secreit Counsell in respect of his Majestis said letter, commands, charges and inhibits the said defender of all using or causing of anie letters to be used or execute for proving of the rentall abonewrittin givin in be him the said 19 day of Januarie, bot to suffer the same to rest and cease till the said 15 day that the said Erle be heard to object againis the course and order of proceeding; certifieing the said Francis if he faillie and will goe on in the executing of the saids letters againis the witnesses that no processe sall be grantit to him thereupon. Followes his Majestis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and right weilbelovit cousine and counsellor, we greit yow weill. Whereas we did formerlie writt unto our Counsell for proceeding in the lyke course toucheing the rentall of the Abbacie of Kelso as we wer pleased to require to be takin of suche of the estait of the lait Erle of Bothuell as wes posseit by the Erle of Buccleuch; but considering that nothing can convenientlie be done without the presence of our right trustie and weilbelovit cousine and counsellour, the Erle of Roxburgh, and that we ar to deteane him for some short tyme for causes concerning the good of our service, our pleasure is that yow proceed not in anie thing concerning him or that abbacie untill the fyveteneeth day of Januar enseauing whiche we have appointed him preciselie to keepe, and that yow signifie our pleasure heerin to our Counsell and Commissioners for the Surrenders. So we bid yow heartilie fareweill. Frome our Court at Whitehall, the nynt day of November, 1631.”

“The Lords of Secreit Counsell ordains the Lord Chancellor to call unto him such advocates as the Lord Uchiltrie craves to compair and pleade for him and conforme to the Act of Parliament to compell thame to take the patrocinie and defence of the said Lord, and in caise of thair refusall, no reasonable excuse being showne nor allowed, to caus convene thame before the Counsell in the affermoone to the effect order may be taken for enforcing thair obedience as accords.”
Complaint by Robert McClellane of Balmaggan, his tutor, as follows:—Robert McClellane of Nuntoun is indebted to the complainer in great sums of money, for payment of which letters of horning and caption were issued against him, but these proving void their Lordships gave charge to the Steward of Kirkcudbright and his deputies for his apprehension. The said Steward went in person to execute the charge but was withstood by the said Robert, who has associated with himself “sevin or eight vagabounds and brokin men everie ane of thame furnished with ane long hacquebut and two pistolets, beside other armour, and they concurring togidder goe up and doun the countrie boasting and threatening all suche againis whom they have anie querrell, protesting and swearing with manie fearfull and execrable oaths that who ever sall presooome to take thame or meddle with their houses, that they sall have thair lyffes,” so that no magistrate can deal with them except by special commission with dispensation of whatever might fall out in execution thereof. Charge having been given to the said Robert McClellane of Nuntoun, who compeared personally, and the pursuers appearing by John Maxwell, brother of the said Edward Maxwell, the defender replied that what was concluded for in the summonses against him could not be granted because he had offered to find caution to pay the pursuers all that was due to them. After hearing parties, the Lords ordain the said John Maxwell to produce the said Robert McClellane, pupil, before their Lordships on 15th December next, under pain of horning, to the end he may then make choice of his curators before the judge ordinary; and they ordain the defender to raise summonses against the said pupil’s nearest of kin both on the father’s and mother’s sides, to appear that day before the Lords of Council and Session and hear the curators chosen; and they further ordain the defender to bring with him that day a sufficient and responsible cautioner for payment of his said debt. And to enable him to do this with safety they extend the protection already granted to him [ante p. 371] to the 25th of December next. The Lords further appoint that £10 be paid to every horseman and 10 merks to every footman of the witnesses by the said John Maxwell, proozer.

Complaint by Walter Reynick, master of the ship called the St Lawrence of Lubick, as follows:—His ship was upon her due course from to laden with salt, when she was violently seized by Sir William Alexander, knight, Master of Stirline, and the greater part of the crew set on shore in France, of whom the complainer has since heard nothing. Sir William then brought the ship to Leith where within a short time she was adjudged to be a prize, but most unlawfully so, because (1) the ship carried no prohibited goods from or to Spain; (2) the Admiral and his deputies never cited the complainer nor other...
persons interested in the ship to any trial, neither was there any examination held in the matter; and (3) the said William, the better to obtain the end he desired, put away those persons from the ship who could have cleared her of this accusation. Charge having been given to Alexander, Earl of Linlithgow, Mr. James Robertoun, his depute, John Ker, his clerk and the said Master of Stirline, to compear and produce the whole process in the case, and both pursuer and defenders appearing and having been heard, the Lords remit the case to the Lords of Counsell and Session as the competent judges in such a matter, recommending them to deal with it as summarily as possible.

Complaint by Mr. David Leitche, minister at Dundrennan, as follows:—Their Lordships imprisoned John Littill, servitor to the Earl of Nithsdale, until he should inform them where he was the night of the burning of the complainer's house and three days before; and he at his examination by some commissioners appointed for his trial denied that he had any boy with him that night, contradicting, in so doing, what he had written in his letter to Patrick Forrester, bailie of Kirkcudbright, in which he offered, ten days after the burning, to present himself and his boy with him the time foresaid for trial before the presbytery of Kirkcudbright. Further, the said John and John Murray, who is prisoner with him in the tolbooth of Edinburgh on the same charge, deny that ever they knew each other "till now of lait, the contrarie whairof hes beene provin be famous witnesses." Moreover, there are several persons in the country who have not yet been examined and who are able to give light and information in the case, but some refuse to compear unless compelled. Charge having been given to John McNaught in Orchartoun, Janet Carsane, wife of John McQueill at the Nether Mylne, Patrick Forrester, burgess of Kirkcudbright, Jean Dalzell, wife of John Beck at Colledge, and Isabel and Jean Beck, their daughters, to compear and bear witness; and the pursuers appearing but none of these persons, the Lords ordain them to be put to the horn and escheat.

Supplication by Sir David Boswell, knight, as follows:—He was appointed by his Majestie to attend Lord Uchiltrie to this kingdom and deliver him up, which he has done, and he is now shortly to return and give an account to his Majesty not only of that service but of some other things given him in charge, the doing of which will occupy him some days. He has been informed that some persons intend to trouble and hinder him to his disgrace by letters of caption, against which he craves that their Lordships will grant him their protection. The Lords grant this until 15th December next.

"The lyke protection grantit to Archibald Glen of Bar for coming in to Edinburgh to draw up securities for selling of his lands till the second of Februarie nixt."
Supplication by John Nairne, Commissary clerk of Dunkeld, as follows:—Their Lordships were pleased to give permission to the Earl of Atholl to meddle with the registers of the Commissariat of Dunkeld and whole warrants thereof which were in the hands of James Crichton, lawful son of the deceased Thomas Crichton of Polcake, the last clerk, and the supplicant is informed that the said Earl “verie carefullie and dewartfullie hes medled and intromettet with three score and four
registers of the said commissariat and with ane number of warrandes and processes thairof, and hes thame for the present in his custodie and keeping” until their Lordships shall ordain him to deliver them up to the supplicant to be kept by him as clerk during his lifetime, for the use of the lieges. He craves that their Lordships will give warrant for their delivery, and this the Lords do, ordaining the said Earl to hand over the said registers and warrants “to be keepe and used be the supplicant as clerk of the said commissariat during all the days of his lyfetime for extracting of suche decreits, sentences, testaments and processes as sall be usefull for his Majesties lieges.”

Patrick Dickson, servitor to the Earl of Angus, appearing before the Lords, produced the missive letter following, directed to the Lord High Chancellor of this kingdom, which having been read, they delay all further proceeding in this matter, either against the said Patrick, or the Earl of Angus, his master, till a new occasion, provided that the Earl stands obliged, under the penalty of 1000 merks, to put the said Patrick from his service and company unless he satisfy the Kirk before next. “Followes the missive letter abonewrittin.—Right noble my most honourable good lord, Being informed that the Erle of Angus is actit under pane of 5000 merkes to putt Patrick Dickson, excommunicat, out of his service and companie betuix and Michaelmes last bypass, these ar to informe your lordship that upon some hope of his conformitie and some conference whiche he had with my lord of St Andrewes at Perth we wer content the mater sould be delayed, and the Erle of Angus sould not incurre the penaltie of the act at this tyme, provyding his lordship stand obleist to putt him from his lordships service and companie except he satisfie the Kirk. So commending your lordship to the mercie of God I rest, etc. Subscribitur, Ja. Glasgow. Dated Glasgow, 16 November, 1631.”

“To revise the proclamatioune made againis the slaying and eating of the slaying of wylde foule.”

“The Lords prorogats the dyet appointed for the tryrell of the Lord Lord Ochiltree. Uchiltrie till Thursiday the first of December nixtocom.”

Sedunt—Chancellor; Privy Seal; Linlithgow; Lauderdaill; Air; Holyrood House, 25th November 1631.

Bishop of Dunkeld; Bishop of Dumblane; Secretary; Clerk Register; Advocate.
Mr. Thomas Nicolsone and Mr. Robert McGill, advocates, refuse to plead for Lord Ochiltree, on the ground that they are of kin to the Duke of Hamilton and the Earl of Haddington respectively—the two noblemen who had been accused by the said Lord Ochiltree. "The whilk day Mr. Thomas Nicolsone and Mr. Robert McGill, advocates, refuse to plead for Lord Ochiltree against the ditty whereupon he is accused before his Majestie Justice upon some informations givin by him reflecting upon some noblemen and counsellours of this kingdome, the said Mr. Thomas alleged that he could not compeir as advocat for the said Lord in respect that he and the Erle of Hadinton his lat ladie were sister barnes, and the said Mr. Robert McGill alleged that the Marques of Hamilton is the fourth and himselfe is the third of kin. With the quhilk alledgences the Lords being well advised, the Lords of Secret Counsell finds by interloquoutour that the declinatour foresaid propouned be the saids advocats and grounded upon their consanguinite and affinitie with the said Marques of Hamilton and Erle Hadinton is relevant to excuse and free thame from compeiring before the Justice on behalfe of the said Lord Ochiltree."

Whereas James, Lord Ochiltree, hes made choise of Mr. Robert Nairne, Alexander Persone, and Gilbert Neilson, advocates, to concurre and joyn with him for proponing his lawfull defences competent to him againis the ditty whereupon he is to be accused before his Majestie Justice upon the first day of December nixt, thairfor the saids Lords ordains and commands the saids three advocats to conferre and meet with the said Lord Ochiltree to receave his informations, to accompanie and assist thame at the barre, and to doe thair dewtie and office in all and everie thing lying to thair charge concerning the proponing of all lawfull defences competent to the said Lord in his tryell; quhereanent the extract of this act sall be to thame ane warrand."

"The Lords of Secret Counsell for some speciall causes and consideratiouns moving thame ordains and commands his Majestie Justice, Justice Clerk and thair deputis to prorogat and continew the dyet appointed for the tryell of James, Lord Ochiltree, till Thursday nixt, the first day of December nixttoome, quhereanent the extract of this act sall be unto the said Justice, Justice Clerk and thair deputis ane warrand."

Sederunt—Chancellor; Privy Seal; Linlithgow; Tracquair; Archibald Achesone; Clerk Register; Advocate; Sir John Scott; Sir James Baillie.

Charge to Sir John Blackadder of Tulliallan and John Hamilton of Blair to appear before the Council and meanwhile to keep the peace.

"Forsameekle as it is understand to the Lords of Privie Counsell that there is some appearance of trouble lyke to fall out betuix Sir John Blackadder of Tulliallane, on the ane part, and John Hamilton of Blair, on the other part, whilk will not faile to produce greater inconveniences to the breake of his Majestie peace without remeide be provydit; thairfor the Lords of Secret Counsell ordains letters to be direct charging both the saide partes to compeir before the saide Lords upon the day of December nixt to underly suche course and order
as all be tane with thame for observing the peace under the pane of rebellioon, etc., with certificatioon, etc.; and in the meane tyne to command and charge the saide partes that they nor none of thame presomie nor take upon hand to invade, pursow, trouble, nor molest one another for whatsoever deed, caus or occasioun, otherwayes nor be order of law and justice, either of thame under the pane of fyve thousand merkes; certifieing thame that failyseis and does in the contrair that they shall be decerned to have incurred and to incurre the saide panes, and letters and executoriells shall be direct again is thame for payment thairto to his Majestyes Thesaurar, Deputie Thesaurar, and Receavers of his Majestyes rents in forme as effairs."

"Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Perth; Holyrood House, 29th November 1631.
Wigtoun; Lauderdaill; Dunkeld; Dunblane; Air; Carnegie; Tracquair; Secretary; Clerk Register; Advocate; Justice Clerk; Sir James Baillie.

"The Lords of Secret Counsell ordains thair nixt meeting upon Thursday to be in the laich Counsellhoues of Edinburgh where they will conveene and sitt for assisting his Majestyes Justice in discussing the alledgedes and defences whiche shall be propound before the Justice in behalfe of the Lord Uchiltrie upon the ordinarie dayes of his tryell."

"The Lords of Secret Counsell gives and grants commission be thir presents to David, Lord Carnegie; John, Lord Traquair, Deputie Thesaurar; Sir Archibald Achesone, Secretar; Sir Thomas Hope, Advocat; Sir George Elphinstoun, Justice Clerk; and Sir James Baillie, or anie three of thame, the said Deputie Thessaurar being one, to conveene before thame all persons who hes in thair hand anie hay or necessar commoditeis concerning his Majestyes provisioun and to agree with thame thereaenent."

"The Lords of Secret Counsell having heard and considderit the petitioun preferred to thame be John Toshoch, prisoner in the Castell of Edinburgh, tuiching his necessitous and distressed estait, the saide Lords for the saide Johne his confort and releefe ordains and allows the maister porter of the castell to suffer and permitt the said Johne Tosh to have access to his hous for refreshing his weakenned bodie at suche tymes as he cannot have the confort of fire within the prison hous, provyding the said Johne be alwayes attendit and waited upon be his keeper, and that nane have accesse nor conference with him bot in hearing of his saide keepers."

"Forsameeckle as our Soverane Lords owne earnest desire, the heartie wishes and prayers of his most loving subjects of this kingdome and the effaires of his estait, both for receaving of his crowne and holding of a Parliament, hes invited his Majestie thir diverse yeeres bygane to honour the same with his royall presence, and the impediments quhilks Proclamation forbidding the eating of venison and wild fowl in view of his Majesty's visit in the ensuing spring.
fra tyme to tyme wer ane lett and hinder of the accomplisement of his Majesties intended journey hither being now by God's assistance removed, his Majestie hes resolved, God willing, in this approaching spring to begin his journey here. And whereas his Majestie repaire hither will necessarie draw with his Majestie great numbers of the nobilitie and gentrie of the kingdome of England, for whois recreatioun, exercise and pastyme necessar it is that there sall be ane forbearance of the slaughter of wylde foule and vennisoun for some certain space quhairby the same may be the more abundant for the use and interteanement of his Majestis Court and for the credite and reputatioun of the kingdome, thairfoir the Lords of Secret Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majestie's lieges and subjects of what qualitie or degree soever they be, be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, that none of thame presoome nor take upon hand to slay, sell, buy or eate anie kynde of pertridges, blacke cockes, earth hens, termigrants, capercailyes and murefoullis nor no vennisoun at na tyme after the publication hereof whill the first day of May nixtcome in the yeere of God 1632 yeeres, under the pane of ane hundreth pundis to be incurred by everie persoun contraveening the premises so oft as he or she sall failylie or contraveene; quhilk contraventioun and failylie sall be tried ather be thair owne oath or be witnesses as accordis of the law. And whereas the person or persons contraveening or not able to pay the said soume, they sall be punished in thair persons by warding and feeding upon bread and water at the arbitrement of his Majestis Counsell: And siclyke to intimat and declare to all and sindrie persoun or persons that whoever will reveele and shew to his Majestis Counsell or Deputie Thesaurar where and be whom anie of the kyndes of wylde foule foresaidis or vennisoun is slane, sold, bought or eatin, and will furnishe probatioun for the same, that not onelie sall thair names be concealed bot they sall have twentie pund of everie contraveentioun that sall be tried and decerned be thair meanes: And siclyke to command, charge and inhibite all and sindrie his Majestie's lieges and subjects be opin proclamatioun, as said is, that none of thame presoome nor take upon hand to hunt haires ather with ratches or grewhounds within aucth myles of the palaces of Halyrudhous, Linlithgow, Stirline, Dunfermline or Falkland, under the panes conteanit in the former Acts of Parliament and Secret Counsell made theraenent; certifying thame that sall failylie or doe in the contrair that the saids panes sall be inflicted upon thame without favour: And siclyke to command and charge all and sindrie shiriefs, stewartis, justices of peace, magistrates within burgh and all others bearing anie office, charge or commandement under his Majestie, everie ane of thame within thair owne bounds limits and jurisdictioun, that they and everie ane of thame have ane speciall care and regarde to see this proclamatioun
Supplication by Sir David Livingstoun of Donypace, John Livingstoun, his son, David Barclay of Madoes, Mr. William and Mr. Alexander Livingstoun of Greenyairds, and Robert Livingstoun, merchant burgess of Edinburgh, his cautioners, as follows:—Their Lordships know how earnestly he has dealt with his creditors to consent to his obtaining a protection for himself and his said cautioners until they should take some solid course for their satisfaction, and at least those of them who were most opposed thereto have yielded; wherefore they crave that their Lordships will grant them their protection for a certain space. This the Lords do till 10th January next.

Supplication by John Traill of Blebo, as follows:—The former protection granted to him for settling his accounts with his uncle was stopped by Birsbane, servitor to the Earl of Wigtoun, and his brother, but he has now taken such steps as has removed their opposition, and he craves a continuance of his warrant. This the Lords grant till 31st March next.

The Lords having assigned the 15th of December next to William Crawfurdf of Camlarch for exhibition before them of William Twedie, his servant, who is accused of taking a wallet with some writs therein from Mr. Gavin Stewart, minister at Dalhellington, they hereby continue the diet of his appearance as above till 24th December next.

"May it please your most sacred Majestie, In obedience of your Majesteis letter of the last of June last past delivere unto us by Sir James Sinclair we did call before us the said Sir James and William Dick, merchant burgess of Edinburgh, and having heard both parteis and informed ourselfes of the trew estait of that bussines we doe find that your Majestie by a former letter writtin upon the 15 of Apryle, 1629 did fullie exonerat and acquitt the said Sir James of the foure thousand pundis sterline furnished unto him at your Majesteis directioun by Philipp Burlemakie and the said William Dick for leveying of a regiment of 3000 men for the service of your Majesteis royall uncle, the King of Denmarke, by vertue of quhilk letter ane act of Counsell was made upon the 14 day of July 1629 for the said Sir James his more full and assured exoneratioun and discharge. And quhairas the said Sir James pawnned his haill evidents and writte to the said William Dick for his performance of the said service, quhilks writts yitt ly in the said Williams
hands who will not redelyver the same without some warrand from the said Phillip Burlemakie, thairfair at his humble sute we ar enduced humbelie to represent the same unto your Majestie and with our humble intreatie that your Majestie may be graciously pleased to intamit and signifie your Majesteis said gracious exoneratioun and discharge to the said Phillip Burlemakie that he may give order to the said William Dick for restoring to the said Sir James Sinclare his evidents and securiteis of his lands pawnned unto him for performance of that service, and speciallie in respect we doe find the said William Dick verie willing to redelyver the same upon the smallest warrand from the said Phillip, quherby the gentleman may make use of his owne estait for satisfeing suche other debts as he did contract for leveying and transporting the said regiment. So praying, etc. Halyrudhous, 29 Novembris 1631. Subscribitor, Dupline, Hadintoun, Wintoun, Linlithgow, Wigtoun, Dunkelden, Air, Traquair, Arch. Achesoun, etc., St James Baillie.”

Edinburgh, 1st December 1631.

Sederunt—Chancellor; Privy Seal; Winton; Linlithgow; Wig- ton; Lauderdale; Bishop of Dunkeld; Bishop of Dunblane; Carnegie; Secretary; Clerk Register; Sir James Baillie.

Proclamation

Forsameekle as by ane act of the Estaitis made anent upgiving of inventars of the annualrents of this present taxation it is ordained that all his Majestie’s subjects that have anie annualrents payable unto thame shall compeir within the heid burgh of the shirefdome, stewartrie, baillerie or regalitie, or the heid burgh in anie of these jurisdictionis where the heid courts ar haldin and where the saids annualrenters dwellis and hes thair ordinarie residence, in anie court day in one of the two last weeke immediatlie preceeding and in one of the first two weeke immediatlie followit Witosunday and Martimes, at whilk tymie the shireffis, stewarts, baillieis and baillieis of regaliteis, provests and baillieis of free burrowes within the bounds of thair jurisdictionis sall be obeisit to hold courts weekelie to the effect specifit in the said act, and that the lieges resorting to the saids courts sall give up ane inventar to the clerk thairof of the haill soumes of money for quhilk annuell is dew to thame yeerelie and termelie, with the names of thair debtors designed by name and surname and the ordinarie place of thair residence; as also the haill soumes of money for whilks they ar subject in payment of annualrents to others with the names of thair creditors to whome the same is dew designed lykewayas by name, surname and the place of thair ordinarie residence whither the same annualrent be in victual or in silver, the annualrent of victual to be estimat according to the stocks of money for the quhilk it is payed at ten for the hundreth thairof; and sall caus the parteis upgivers of the saids inventars everie partie subscrive his awne inventars himselfe if he can write, and if he cannot write the clerk of the court sall subscrive the said inventar in face of
court before the members thairof; and also the shireiffs, stewarts, bailleis, bailleis of regaliteis, provests and bailleis of free burrowes within the bounds of thair jurisdiction, and the clerkes thameselfis sall make and give up ane inventar of the debts aucthand to thameselfis and be thame-
selfis, as said is, as the act of Conventioun made to this effect beirs: And altho courts hes beene haldin in dew and lawfull tyme conforme to the tennour of the said act, yitt there is nombers of his Majesteis subjects, some pretending ignorance thairof and others upon pretext that thair moneys lay in thair hands and that they could not gett thame putt out and sua could not give up inventars of the same, have neglected the upgiving of the saids inventars for the three termes bygane and hes endangered thameselfis in the penalteis conteanit in the said act. And the Lords of Privie Counsell being loath to take this advantage upon thair said neglect and being willing yitt to give thame ane competent and lawfull day to give up thair saids inventars, thairfoir the saids Lords hes appointed and assigned and be the tennour heirof appoints and assignes the twentie day of Januarie nixto come to all and sindrie persons who hes neglected the upgiving of thair inventars in anie of the termes preceeding, yitt to give the same up to the clerkes whome it concernes, certifeing thame that sall faillie and neglect this favour now offered and shawin unto thame that the rigour of the said act of Estait sall be exacted of thame without favour. And whereas some exceptionis is tane that the tyme appointed be the said act of Estait for giving up of the inventars is so short as the subjects cannot have convenient tyme and leasure for giving up of the same, thairfoir the saids Lords for the ease of the subjects in this caise hes appointed and allowed and be the tennour of the present act appoints and allows fourtie dayes after ilke terme of Witsunday and Martimes for upgiving of the saids inventars; and ordains letters to be direct to make publicatioun heirof be opin proclamatioun at the mercat croces of the heid burrowes of this kingdome and others places neidfull, whairthorn name pretend ignorance of the same."

"The quhilk day Thomas, Erle of Hadintosh, Lord Privy Scale, compeirand personalie before the Lords of Privie Counsell declared that how ever he had been maliciouslie and falselie traduced and givin up be the Lord Uchiltrie to have beene ane plotter of ane tresoun intendit aganis his Majesteis persons, Queene and Prince, yitt他 did no wastes resent that calumnious and false challenge since his Majestie had beene pleased by his royall declaratioun to acquitt him and to signifie his innocencie of the said cryme; and in respect thereof the said Erle declared that he would not accuse the Lord Uchiltrie nor carie himselfe as a partie aganis him."
Postponement of Lord Ochiltree's trial till the 1st of February following.

"The Lords of Secret Counsell for some speciall causes and considerations ordains and commands his Majestie's Justice, Justice Clerk and their deputies, to continew all forder tryell and proceeding againis James, Lord Uchilitrie, upon the crymes whairof he hes beene accused before thame till the first day of Februarie nixtocom, quhereanent the extract of this act sall be to thame ane warrant."

"Anent the supplications presented to the Lords of Secret Counsell be Sir Johne Ogilvie of Craig, makand mention that at the last Counsell day haldin at Perth there wer some misinformationis givin in anagis him quhilks the informers would not take upon thame to qualifie, nather could they be able to qualifie the same, and if the supplicant had beene cited to the said Counsell day he would have beene able to have justified himselfe to be altogether innocent of these imputations. Always it pleased the saids Lords at that tyme upon these reports to give ane warrant to charge him to goe to the toun of S't Andrewes to be confynned there, for obedience of which charge the supplicant tooke journee from his awne houis toward S't Andrewes, being than diseased be reasoun of ane distiness in his head, so that he was not able to travell on horsebacke for feare of falling from his hors, and thairfoir he was complitt, altho with great pane and travell, to make journee upon his foote, being led all the way with two men, and at last he attaineid with great trouble to the toun of Dundie. And now it hes pleased God to visiete him with ane heavie sickenesse the whiche doeth increase the more upon him be reasoun that he hes not the beneftie of so wholsome and free air as he was accustomed to have; humbelie deseryng thairfoir the saids Lords that he may have thair warrant to repaire to his owne hous of Craig, where if he die he may have the presence and confort of his wyfe and childrines, lykewise at mair length is conteanit in the said supplication. Quhilk being read, heard and considderrit be the saids Lords and they advised thairwith, the Lords of Secret Counsell hes givin and grantit and be the tennour heirof gives and grants thair warrant to the said supplicant to repare from the toun of Dundie to his owne dwelling houis of Craig and to remaine there and within twa myles about the same till the returme of the Archbishop of S't Andrewes from Court, the said Sir Johne acting and oblesingh himselfe be ane bond that he sall caus his eldest sonne and the remanent of his childrines and domesticks resort to the kirk everie Sabboth when possibillie they may; that he sall not travell upon the Sabboth frome his owne houis or profane the same by anie slanderous behaviour in his owne persons nor in anie that is in his power; that he sall remane within his owne houis and twa myles about the same, and that he sall not transgresse the saids bounds; that he sall not ressett Jesuitts nor messe preists within his houis nor be found reasoning aganis the religioun presentlie profest in the Kirk of Scotland,
under the pane of ane thousand pundis in caise he faillie in anie point of the premisses.”

[Sederunt as recorded above.]

Complaint by James Wright in Norestoun, as follows:—On James Norie of that Ilk and Alexander Norie, his son, accompanied by Nicol Muschat in Monastoun, Andrew Spittell in Boghall, John Duncan in Spittleton and others, to the number of twenty-four persons, came to his dwelling-house, and violently entering therein carried off his whole goods and also his sheep and cattle. Further, as he was coming to Edinburgh, to make his complaint they lay in wait for him by the way, took him prisoner, and having also taken his purse from him with £100 therein, they carried him to Doune Castle and kept him there in irons for twenty days in great misery. Charge having been given to the persons above named, and the pursuer comparing but none of the defenders, the Lords ordain them to be escheat and put to the horn.

Supplication by Janet Home, Lady Samuelstoun, Captain James Hay, her husband, with Mr. William Kinnard, and John Home in their cautioners, as follows:—About a year ago, before her marriage, the said Janet was influenced by Sir George Home of Manderstoun to make an assignation to George Home, his son, of her tack of the teinds of the parish of Swintoun and of the fourteen husband lands of Quhartsam during her lifetime, upon the condition that the assignation should be kept by herself undelivered. But the said George came to her house in Berwick and in her absence medled with the said tack so that she is disappointed of her rent and all means whereby to satisfy her creditors. She and her husband have made a new assignation of these teinds and lands to the Master of Dupline, who has thereupon raised an action of reduction against the said Sir George Home before the Lords of Session, and as her presence will be necessary at the discussing of the case she craves their Lordships’ protection for herself, husband and cautioners. This the Lords grant till 31st March next.

Supplication by Sir John Waus of Barnbarroch, as follows:—He has been unadvisedly involved in a heavy burden of debt “by the alluring and flattering speeches of the lait tutour of Bombie, his father-in-law,” Barnbarroch, but has “ane vehement and earnest desire” to relieve himself. This he proposes to do by selling part of his estate, which must be by “the advice of procurators and writers in Edinburgh,” and his chief creditors have consented to his repairing thither. One or two others he has not been able to meet and arrange with, but as delay will be detrimental to all his creditors, he craves their Lordships’ warrant for the security of his person. The Lords grant this to him till 31st March next.

“The lyke warrand grantit to Lauchlane McClaire of Morverne untill the last day of Januarie nixt.”
Robert McMillane, sometime burgess of Irwing, comporting personally, enacted himself under the penalty of 500 merks to appear before their Lordships whenever lawfully cited and to answer to a complaint by the provost and bailies of Irwing against him of breaking out of their tolbooth, in which he had been warded for pursuit and invasion of their ordinary executioner in the discharge of his office, and in which thereafter he had been arrested by his creditors for certain debts.

Sederunt—Chancellor; Privy Seal; Linlithgow; Lord Lorne; Bishop of Dunkeld; Bishop of Dunblane; Lord Carnegie; Tracquair; Secretary; Clerk Register; Advocate.

[Sederunt as recorded above.]

Supplication by the bailies, council, community and inhabitants of the burgh of Dysart, as follows:—"The said burgh being of lait yeeres ane of the most flourishing towns both in shipping, commerce and trade upon the coast side of Fyffe and weil experimented in the trade of navigation, having manie skilfull and expert mariniers, is now become one of the poorest towns upon that whole coast, they having lost within thir few yeeres threttie sax good shippes with their loadings, partlie be the violence and storme of weather, bot cheefelie by the Dunkirkers; quhill hes drawn suche a miserable affliction and desolation upon their poore burgh as all commerce and trade within the same is cassin up, the suppliants ar destitute of shipping, their mariniers and seafaring men, who were amongs the best upon the coast, hes left thame to seeke their fortoune ellis where, and thair harberie, quhik wes one of the speciall meanes whereby thair poore toune wes uphaldin, is altogidder decayed and filled with stone and sand, so as no small barke darre hazard to anker there." Having considered by what means their town could be recovered they conclude "that thair is no possibillitie of setting up of thair toune bot by a commodious and sure harbarie, and having found out a platt at the west end of thair toune meit for that purpose they began to enter into worke and be contribuouns among themselves and be the personall service of others who had not the meanes to contribute they have made some beginning of that worke. Bot the burdein and yoke is so greevous and heavie as they ar not able longer to undergoe the same, bot ar constrained to leave the worke, to the great greefe of thame all, who would be glade and willing to extend to the uttermost of thair endeavours if by that means this worke could be advanced and haldin fordward. And if this worke could be advanced and perfytted, as they intend to have it, it will be one of the saulfhe harbereis upon the coast and will verie farre import the saulfettie and good of all his Majesteis subjects, traders and travellers by sea. And whereas the
supplicants or loath to be ane burdein to the countrie and onelie expect
the liberalitie of suche weill disposed persouns as will freelie and willinglie
contribute their helpe to the upholding of a poore town and preserving
the same fra utter wracke and desolation; they therefore crave letters of
recommendation from the Council on their behalf for solicitinge the
benevolence of the lieiges toward this work. The Lords knowing the
truth of the plaint and the heavy nature of the undertaking, recommend
the supplicants’ case to the whole prelates, noblemen, barons and bur-
gesses, presbyteries and sessions of kirks and all well disposed persons
within Fyffe, also to the whole burghs of the kingdom, of which Dysart
is a member, requesting them of their charity and benevolence to assist
towards the building of their harbour and restoring of their decayed and
distressed burgh. The recommendation is to remain in force for
a year.

The Lords having assigned the 15th of December instant to Francis
Durham of Dunrarvie to compear and answer to a complaint by Dame
Jeane Maxwell, to remove all excuse for his non-compearing, grant him
their protection “till Saturday come eight dayes at night,” the 16th
instant.

“May it please your most sacred Majestie, we did receive your
Majestis letter of the twentie nuyt of June last quhairin your Hienes
did signifie your Majestis most gracious opinion and declaration of
the innocencie of the Marquies of Hamilton and Erles of Hadintoun,
Roxyburgh and Bugleughe, for preventing rumours of the foule
aspersions whiche had beene suggested agains thame by the sinistros
practise of some evill disposed persouns, after reading of whiche letter
the said Erle of Hadintoun with bended knees wes ane humble and
thankfull acknowledger of your Majestis gracious favour and privelicie
judgement; and by vertew of your Majestis other letter of the 24th
of September requiriing us to try and censure the Lord Uchtirie before
the judge competent, we did enter unto consideration of the papers sent
down unto us by your Majestie and after persual thairof and conference
with your Majestis Advocat in the point of law we did conceave it to
be a mater capittall and worthie to be persewed before your Majestis
Justice, and thairfoir upon mature deliberation and consultatyon we did
referre the same to the judge ordinair, the Lord Justice Generall, and
Justice deputs for a legall tryell in a criminall persute before thame,
and for that purpose did appoint Thursdai the first of this instant for
his tryell; in whiche (according to his legall desire upon bill) we allowed
unto him counsell and conforme to the desire of the Justice deputs we
did sitt and assist in the nixt roume to the Justice Court for discussing
and resolving with thame all suche doubts as might occurre in that
tryell, wherien we spent the first, seconde and thrid dayes without
intermission untill the proceedings wer fullie closed in wrytting by the
Justice Court, and the dyet being than continued untill Wednesday the
sevith, the Justices did advise the caus upon Moonday the fyfth among theirseffes and thereafter consulted with us of your Majestis Counsell upon Tuisday the sxt, at whiche tym we did peruse the indytment, defences and replies and all that was alleged in the caus by your Majestis said Advocat and the said Lord Uchiltrie and his counsell, and finding some difficulties resulting upon the ditty grounded upon the Act of Parliament of King James the First in his 2 Parl. Act 43, concerning lesseing makers qhilk may engender discord betuix the King and his people, as also conceaveng some doubts upon the Lord Rees depositions and the said Lord Uchiltries examineungs and judicall defences and answers enforcing the said Lord Rees to be his pryme informer, as though your Majestis letter had implied the same, and considering that he and the said Lord Rees (as he alladges) had not as yitt beene confronted in thair points of contradicition, qhilk he vehementlie desired to be done, we have thairfoir thought it our dewtie to consult your Majestie and to send up unto your Hienes hearerwith a perfyte extract of the whole proceedings here. And becaus we wer informed that the said Lord Uchiltrie did latelie affirme that he did conceale the reasoun for whiche he did say to your Majestie these words (Sir, we know the bussines bot doe not know the tym, and therefore ather doe or dee) and that he had affirmed that he would never reveele the said reasons so long as he lived except he were put to it be a judge, therefore upon the said sxt day of this instant we sent a committee of our number to examine him upon that point and they having returned unto us thair report under his owne hand and theirs we resolved also to send the trow copie thairof unto your sacred Majestie that after perusall and consideraition of all, your Majestie may be graciously pleased to send further direction unto us for a final end of that bussines, which in the mean tym we have caused continew to the first day of Februarie nixt, at whiche tym and ever your Majestie sall find us most obsequious unto your Majestis further commandements as becometh, etc. Halyrudhous, 8 Decembris 1631. Subscriptur, Dupline, Winton, Linnithgow, Carnegie, Dunkelden, Dumblane, Lorne, Carnegie [sic], Tracquair, Arch. Achesoun.

Holyrood House, 10th December 1631.
The Council confirms the nomination by the Earl of Angus of certain persons for special service in the Middle Shires.

"Forsameekle as in the commissioun of justiciarie grantit to the Erles of Borders, over the lait Borders of this kingdome power is givin to everie one of thame to nominat and appoint some certane persouns whome they will imploy in exeuntion of some speciall points of service concerning the said commissioun, as the same beiris; according quhairunto the said Erle of Angus hes now givin up the persouns following whome he will imploy in that service; to wit, Sir James Douglas of Mordingtoun, knight, and Francis Douglas, brether germane to the said Erle of Angus, Robert Kincaid and Patrick Livingstoun, servitours to the said Erle, Fol. 96, a."
Johne Mure of Annystoun, Hew Weir of Closburne, Alexander Baillie of Baigbie, James McMorran of Glaspem, Johne Hamilton of Gilkersclenche, David Weir of Achtifardell, Adame Weir in Muckisfoote, Johne Cuninghame of Bonytoun, William Lokhart in Parke, William Lindsey, portioner in Nisbit, James Inglis in Brigtoundyke, and Richard Dowglas. Qhilkis personis being givin in roll and presented this day before the Lords of Secret Counsell and considerit be thame the saids Lords allowes of the nomination of the personis abonewritten for the service foresaid and for their proceedings therein. And the saids Lords discharges all former acts whereby the said Erle nominat anie personis quhatesoever for the service foresaid; and ordains the saids acts with the nomination of the personis being therein to have no force, effect nor execution heerafter; and ordains letters to be direct to make publication heirof at the mercat croces of Dumfreis, Selkirk, Jedburgh and others places neidfull, quhairthrow none pretend ignorance of the same."

"CHARLES R., Right, etc. Whereas the reverend father in God and our right trustie and welbelovit counsellour, Johne, Bishop of Isles, hes represented to us the great barbaritie used amongs the Ilanders of his diocese, and how there is no order amongs thame for increasing ather of religious or civill policie, and notwithstanding that there are articles condescended upon tucheing that purpose (none of thame as we ar informed being observed) yitt there is no punishment inflicted upon the delinquents, our pleasure is that having appointed a day in Aprile or May insewing yow call the cheefe men amongst thame before yow and by the advice of the said Bishop that yow use your best means for establishing of religiou and governement according to the effect abonespecifie; and if yow find that by that means yow cannot effectuet the same that then yow deteane thame with yow untill suche tyme as we our selfe sall come to that our kingdome that we may caus proceid thairin as we sall find most requisite. And quhairas we wer formerlie pleased to write unto yow to dispense with the appearance of the Captaine of Clannrannald untill the nixt dyet of the Ylanders, appointed to be in the spring of the yeere, intending that the lyke generall course might have beene takin with him as with the rest of the Ylanders, but having since beene informed be the said reverend father in God and our trustie counsellour, the Bishop of the Yles, that aganis our lawes and in contempt of our auctoritie a prest wes violentlie takin out of his custodie be some personis who doe depend upon the said Captane, for whome he sould be answerable, and besides that violence wes offered to the person of the said bishop, our pleasure is that there be no dispensing with the said Captans compeirance bot that yow proceid aganis him as yow sall find the nature of the offence to require. So we bid yow farewell. From our Court at Whitehall, the tent of December, 1631."
Sederunt—Chancellor; Privy Seal; Perth; Lorne; Bishop of Dun-
keld; Bishop of Dumbane; Melvill; Traquair; Secretary; Acta January
Advocate; Sir James Baillie.

“The whilk day in presence of the Lords of Secret Counsell compeired
personallie John, Lord Steuart of Traquair, one of the extraordinar lords
of the Session, for himselfe and in name of the saids extraordinarie
lords, and made ane willing offer of the soume of ane thosand merkes
in satisfactioun of their pairs of the ordinar and extraordinar taxatioun
grantit to his Majestie be his Estait in the moneth of Julij 1630, and
humbelie desired the saids Lords to accept of the said offer. Quhiik offer
being heard and consiiderit be the saids Lords and they advised thair-
with, the saids lords hes accepted and be the tennour of this present act
accepts the offer foresaid of ane thosand merkes made be the said Lord
Traquair for himselfe and in name of the saids extraordinarie lords in
full and compleit payment and satisfactioun of their part of the said
taxatioun, ordinar and extraordinar; and ordains the saids lords to make
payment to his Majesteis Collectour of the said taxatioun and under
receavers of the said soume of ane thosand merkes now offered be thame,
as said is, betuix and the second day of Februar nixt; and the saids Lords
hes dispensed and be the tennour heirof dispenses with the not tymous
making of the said offer within the tyme presreyed be the act of Estait,
and exoners the saids lords of all danger and inconvenient that they
may incurre thairthrow; and ordains the said Collectour to receave frome
the saids lords payment of the said soume of ane thosand merkes now
offered be thame, as said is, in full and compleit payment of their parts
of the said taxatioun ordinar and extraordinar; quhereanent the extract
of this act sall be to the said Collectour ane warrand; and ordains letters
to be direct heirupon, if neid beis, in forme as effeiria.”

[Sederunt as recorded above except Melvill, but adding Carnegie.]

Complaint by Archibald Johnstone, servitor to Wilkin Johnstone of
Halmyre, merchant burgess of Edinburgh, and the said Wilkine for his
interest, as follows:—On November last the said Archibald was
in the house of in Lyntoun about his lawful business, when
Patrick Murrey, indweller in Edinburgh, drew a long whinger and gave
him a “deep and deidlie straike thairwith in the wombe” to the great
effusion of his blood. Charge having been given to the said Patrick
Murrey, and the said Wilkin Johnstone comparing for himself and his
servitor, but not the defender, the Lords ordain the latter to be
denounced and escheat. They grant, however, “that this certificatioun
sall not be prejudicial to the Lord Traquair anent his right of regaliitie
of Lyntoun within the whiche the ryot lybellit was committed.”
Complaint by John, Bishop of the Iles, and Sir Thomas Hope of Craighall, King's Advocate, as follows:—In September, 1630, when the said bishop was in the Iles visiting his kirks he learned at Isolmekill that Patrick Chagartie, a priest, had come from Ireland and "infected the simple ignorant people in the Yles by saying of messes and other ways," and that he had gone to the isle of Southust. He thereupon took boat and went thither, a distance of 100 miles, and having apprehended the said priest took him with him to bring and present him before their Lordships. He did not expect that any one would be found so presumptuous as to take the said priest from him, being one of their Lordships' number, yet Donald McLaughlane M'Murrich in M'Alaster V'Ean Og, and M'Rorie V'Ferquhar, tenants to the Captain of Clanranald, accompanied by about thirty persons, armed with bows, darlochs, hagbuts and pistols, at the direction and hounding out of Ranald M'Allane V'Eane, uncle to the said Captain, followed the said bishop and his company, presented their weapons at them, and forcibly took the said priest out of their hands. Charge having been given to the Captain of Clanranald as master and chief of his said uncle and the other three persons above named to comepare and take a day for their exhibition before the Lords, and the said bishop comparing by his procurator, the said King's Advocate personally, and also the said Captain of Clanranald, the Captain declared that Donald McLauchlane M'Murrich had fled to Ireland, and that therefore he could not exhibit him, but he undertook to produce Ranald M'Alaster V'Ean Og and M'Rorie V'Ferquhar on 10th July next to underlie their trial for taking the said priest from the said bishop.

Supplication by William Leslie of Ryhill, brother german to the Laird of Wardes, as follows:—Sir Alexander Gordoun of Cluny has secured for himself a disposition of his brother's whole estate to the prejudice of his creditors, and especially of the supplicant, who is both his creditor and a cautioner for his brother in large sums; and the said Sir Alexander has also purchased from his Majesty a protection for himself and his said brother and some friends, but has purposely excluded the supplicant in order to bring his estate in peril for their whole debts. He is but a mean gentleman, whose estate consists only in a wadset of 7000 merks, which is all in his brother's hand upon a wadset of the farm of Ryhill; and his brother's estate being evicted from him by the Earl of Mar, who disposed it to the said Laird of Cluny, Cluny "verie crafflie forced the supplicant to give him doun ane great part of the principal soume, and to grant the lands redeemable for payment of a lesse soume, quhilks lands wer notwithstanding apprysed from him be his brothers creditours as cautioner for him; so as his case is exceeding hard, and he and his wife and sevin childrein ar redacted to great straights by captious and other execution of the law." Their Lordships had been pleased to grant to Hector Abercrombie, another of his brother's cautioners (who was also
left out by Cluny in his protection), and the supplicant is persuaded that their Lordships will not refuse the same to him whose interest is greater; and he craves accordingly. The Lords, finding that he "has been unkindly dealt with by these who purchasst the protection foresaid by omitting and leaving him out of the same," grant him their protection until 8th August next, when the foresaid protection expires, but only in so far as regards his caution for his said brother.

Supplication by Sir James Balfour of Kynnaird, knight, Lyoun King of Armes, as follows:—He has gone through the whole sheriffsdom of the kingdom and taken order with all the messengers therein, several of whom he has deprived of their office. But they, notwithstanding, daily and continually exercise the same, to the prejudice of the lieges, abusing of his Majesty's authority, "and vilipending the supplicant's power over them." He therefore craves an act of Council in his favour for printing a roll of the names of those deprived messengers or who shall hereafter be deprived, with authority to publish and intimate the same to the lieges at the market-crosses of all head burghs and parish kirkis throughout the kingdom. This the Lords think reasonable and grant license accordingly.

Supplication by James Kennedie of Blairquhan and Josias Stewart of Ravinstoun, as follows:—Their Lordships know that there are two actions depending against them, the one before his Majesty's Exchequer regarding the gift of their escheat, and the other before the Lords of Session regarding some money they are wrongfully alleged to be due to John Kennedie and his wife. The case in Exchequer depends upon the decision of the other by the Lords of Session, but the interested parties seek to take a dishonourable advantage of some hornings under which the supplicants lie and which prevent their personal attendance. They therefore crave their Lordships' protection; which is granted until 1st March next.

Supplication by John Jardine of Apilgarth, as follows:—Upon con consideration of the burden of debt lying upon him as heir to his father and grandfather, and that some of his creditors not only pressed him with legal processes but threatened to incarcerate his person and so "debarre him frome literature and liberall exercises in his lesse age," their Lordships granted him a protection, securing him immunity on account of any of his father's, grandfather's, or great-grandfather's debts, until he attain the age of fourteen years. That time now approaches, "and is the onelie proper tyme for the supplicant to be exercised in literature at schooles and for choosing of curstours for managing his estait." He therefore craves the continuation of his protection. The Lords continue it for a year in the same terms as formerly.

"CHARLES R., Right, etc. Whereas we are informed that one David Foullis hath, aganis our lawes and in contempt of our auctoritie, com-
mitted a riot in entering violentlie and keeping a house belonging to another person, dispossession his wife and children and maintaining the fact by fortifying the house with muskets and pistols, for which ye have caused him to prison. Because the fact is of dangerous consequence and fit to be tried in the most strict and highest degree according to our laws, it being like that the said David has been aided and encouraged by others, our especial pleasure is that you can try if anie persons have bene anie ways accessor to the same, and if they be tried and found guiltie, that both the said David and they be punished and censured according to our laws that others may be terrified from attempting like hereafter. Whiche recommending to your care, we bid you farewell. Frome our Court at Whitehall, the 13 of December, 1631.”

“Sederunt—Chancellor; Privy Seal; Lorne; Dunkeld; Dumblane; Holyrood House, 15th December 1631.

Melville; Carnegie; Tracquair; Secretary; Clerk Register; Advocate; Sir James Baillie.

“The quhilk day the Captane of Clanranald declared that Sir Donald Connel of Slait being cautioner for him till the tent of Julij he was content to renew his band that day or otherways to enter his person in ward.”

“That day Sir Donald Conneil of Slait beand cautioner for the Act of caution of the Captane of Clanranald before his Majestis Counsell upon the tent of Julij nixt and upon suche other days as betuix and that tyme he sall be lawfullie charged up to the instance of parteis upon letters grantit by delverance in publct Counsell under the pane of ten thousand merkes, notwithstanding of the act formerlie found be the said Sir Donnald for the said Captane his yeerelie comperiance during his naturall lyfe, with the quhilk act and hail heids and articles therein conteanit the said Lords dispenses, except in so farre as concerns the said Captane his comperiance the day foresaid under the pane abonementoune.”

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope, King’s Advocate, and Sir Donald Campbell of Ardnamurchan, knight baronet, the party grieved, as follows:—On 18th June, 1629, Sir Donald M’Oneill of Slait enacted himself before their Lordships under the penalty of 10,000 merks, that, inter alia, John M’Donald M’Allane V’Eane of Illnitterum, Captain of the Clanranald, would by himself and all others for whom he should answer, keep the peace; notwithstanding whereof the complainer has since the said date sustained many “great oppressions, insolences and wrongs” at their hands. For example, the complainer owns the whole property by acts of violence.
fishing of the Water of Seall belonging to the lands of Ardnamurchan and Sownart, which he holds heritably of Archibald, Lord of Lorne, for now many years, but the said Captain, taken with the desire to create disorder, and to begin with the complainer, is resolved by way of deed, bangsterie, and oppression to debar him from the said fishing and appropriate the same to himself. Accordingly he gave warning to the whole inhabitante of Noydart and Moydart and such others as were willing to rise with him to be ready against the next advertisement in their most fencible manner to join him; and on 4th June last Rorie McDoneill Gorme V'Eane, Rorie McLauchlane V'Murchie, John Dow V'Murchie Naseall, Donald McDoneill Roy V'Eane Yeur, Donald McEwne Moir, John McEwne Yeur, his bailie of Moydart, and a great many others, his friends and kinsmen, for whom he stands obliged by the said act of caution, all armed with hagbuts, pistols, bows, targes, swords, darlochs and other invasive weapons, came in hostile manner to the said Water of Seall where three or four of the complainer's servants with their boat were at the fishing, and threatened them with present death if they did not leave it, presenting "bendit hacquebuts to their breists"; whereupon the poor men fled for fear of their lives, and their assailants took away the complainer's fishing boat. Again, on the 8th of the said month, when the complainer sent three or four of his servants with new nets to prosecute his fishing in the said water, the said John, on getting notice thereof, gathered together John McAllane V'Eane, his uncle, the said Rorie McDoneill Gorme V'Eane, his near cousin, the said John McEane Yeur, his bailie of Moydart, Gillipatrick McEane Yeur, his brother, Allan McLauchlane V'Doneill Yeur, John McDoneill V'Carmaig, Angus Moir McInneis Yeur, Angus Dowie, the said Rorie McLauchlane V'Murchie, John Dow McMurchie, Donald McDonnell Roy V'Eane Yeur and Donald McEwne Moir, all his men, and dependents, and others to Fol. 307, a, the number of four score persons, armed with the above weapons and "murriouns, bittoches," etc., and coming to the said water they concealed themselves until the complainer's servants began to fish, whereupon "they presented and held to their breasts bendit hacquebuts, boasted and minasse thame with present death unlesse they left the said fishing." Moreover, he has left a number of "the most insolent and brokin men of his kin and freindship to attend the said fishing and debarr and seclude the compleuner therefra." He has thus violated his act of caution and he and his cautioner should be decerned in the penalty of 10,000 merks. Charge having been given to the said John McDonnald and his said cautioner, also to the said Captain John McEane Yeur, Gillepatrick McEane Yeur, John Dow McMuriche Na Seall, Donald McDonnell Roy V'Ean Yeur, Donald McEwin Moir and John McCullane V'Eane, and the pursuer compearing by Archibald, Lord Lorne, who took burden for him, and the Captain of Clanranald and his cautioner compearing personallie for themselves and the other defenders, it was
stated by the last named that they had come in the Lord of Lorne's will for the riot complained of. On being questioned the Lord of Lorne admitted that the matter had been amicably settled and that full satisfaction had been made to him for the same, whereupon the Lords discharge the defenders of the said riot and all danger they might incur therethrough.

Supplication by Sir James Lokhart of Lee and Uthrid Mc'Dougall of Mondurke, creditors of James Kennedie of Cruigiltoun and John Kennedie, sometime of Blairquhan, as follows:—They are informed that their Lordships have granted a protection to the Laird of Blairquhan and Josias Stewart to come to Edinburgh and attend the Exchequer and Lords of Session about the actions depending against them at the instance of the said James and John Kennedie until 1st March next, without the consent of any of their creditors, and as equity craves that the like favour should be shown to the said James and John Kennedie, on whose success the suppliants' satisfaction depends, they crave a similar protection to them. This the Lords grant.

"The lyke protection grantit to Johne Collace of Balmamoone at the instance of Alexander Carnegie, brother to the Lord Carnegie, his creditour, till the said first of Marche nixt."

Complaint by Edward Maxwell of Balmaggane, as follows:—Robert Mc'Clellane of Nuntoun is indebted to the complainer in a certain sum of money, and a tryst was appointed at the Abbey of Dundrennan where he was either to pay the money or grant security. They kept the tryst on July last, when the said Robert, instead of making payment to the complainer, "strake him through the arme with ane whinger" with the purpose of killing him. Both pursuer and defender compearing, and probation being referred to the latter's oath of verity, who denied the charge, the Lords assizezie him therefrom.

Act of caution by Robert Mc'Clellane of Nuntoun in 1000 merks that he will not molest Edward Maxwell of Balmaggane [sic] nor any pertaining to him, otherwise than by order of law.

Reciprocal act of caution by the said Edward Maxwell of Balmaggane in a like sum towards Robert Mc'Clellane of Nuntoun.

Andrew Andersoun, a busy and trafficking papist, having been apprehended, is lying in the pledge chamber of Dumfries and some suspicious letters have been found upon him, and it is necessary that he be produced before the Council that order may be taken with him accordingly. Charge having been given to Archibald Maxwell of Cowhill, sheriff of Dumfries, to produce him this day, and the said sheriff appearing by who exhibited to their Lordships the said Andrew Andersoun, the Lords committ him to the tolbooth of Edinburgh until he be further examined and tried, granting him an allowance of half a merk daily for his support, to be paid by his Majesty's Treasurer.
In pursuance of the Acts of Parliament made by his Majesty's father anent the religious education of the children of noblemen, and in terms of his Majesty's own letters, charge having been given to Robert, Earl of Nithisdaill (who is "vehementlie suspected in his religioun," so much so that the remaining of Lord Maxwell, his son, in his company "may prove verie dangerous to the youth, and now in his tender yeeres infect and poysoun him with opinionis wherefae it will be "difficill thereafter to reclame him"), to produce his said son before the Lords this day so that order might be given "for his breiding and educacioun in the trew religioun profest within this kingdome"; the Earl of Nithisdaill comparied by Sir John Maxwell of Conhaith, his procurator, who exhibited to the Lords a letter from the said Earl directed to them stating that many days before the charge reached him his said son was in England. The Lords continue the case till the first Council day of July next, and intimated the same to the said procurator apud acta.

Sir William Baillie of Lamington appearing personally before the Lords became cautioner for Edward Maxwell of Ballmaggane that he would make count and reckoning of all his intromissions as tutor to Robert McCallane, and make payment of all that can be charged against him as such; with clause of relief.

Holyrood
House, 20th December 1631.

"The Lords of Secreit Counsell ratifies, allowes and confirmes the act of the Commission for the Surrenders and Teinds of the dait at Halyrudhous the fourteene day of December instant, whereby it is statute that his Majestie saill have right to uplift his annuitie according to the fyft part of the present rent where the teinds are not valued and the constant rent not determined, in all and sundrie points, clauses and articles contenat therein, and after the forme and tennour thereof in all points; and ordains letters of horning and poynding to be direct thereupon according to the tennour of the former acts made for uplifting of the said annuitie."

"Forsameekle as for the better cleering and discoverie of the burning of Mr David Leitche, minister at Dundrennan, his hous, and of the forme, maner and circumstances thairof, it is thought fitt and expedient be the Lords of Privie Counsell that John Redick of Dalbeatie, Johne McMath beside Orchartoun, William Hay, tailyeour in Dundie, Johne Gibsons, servitour to the Bishop of Gallouay, and Wilson, sonne to Robert Wilsone in Edinburgh, sall be examined tuching their knowledge in that mater; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the saids persons to compeir before the saids Lords upon the 16 day of Februarie next to beir leill and southfast witnessing in
sua farre as they know or sall be speirit at thame in this mater, under
pane of reellioun, etc., with certificatioun, etc."

"Whereas Andro Andersone, ane trafficking papist, being committed
to wary upon tryell and confessioun made be him that he had convoyed
some gentlemens sonnes beyond sea, is departed this lyfe within the said
tolbuith [sic] thairfor the Lords of Secret Counsell ordains the provest
and baileis of Edinburgh to take tryell and examination of the forrne,
maner and caus of his death, and accordinglie to caus burie him with
all convenient diligence."

[Sederunt as recorded above.]

Robert M'Clellane of Nuntoun, comparining personally before the Lords,
produced a bond of caution by Thomas M'Clellane of Glenshinoch,
whereby, in terms of their Lordships' act of 24th November last, he
obliged himself to pay to Robert M'Clellane, his brother's son, and his
tutors and curators all sums due by him to them; which the Lords
accepted.

The Lords of Council assign the 12th day of January next to Mr. Gavin
Stewart, minister at Dalrellington, for proving the complaint made by
him against William Crawford of Camlarrg, William Twodie, his servant,
Thomas Hillous and Patrick M'Clyre, his tenants, and Charles Rid and
Alexander Alesoun, temporary tenants to the said William Crawford, viz.
of the said William Twodie's taking a wallet with some writes therein
belonging to the said Mr. Gavin at the instigation of the said William
Crawford, and of the other persons named, their detaining the said Mr.
Gavin prisoner for a night and withholding his horse from him, so that
he was forced to travel four miles on foot. And the Lords direct sum-
maries to be issued for the comparance of these persons, and also of
such other persons as the complainer will use as witnesses.

The Lords assign the 12th January next to William Crawford of
Camlarrg and John Crawford, his servant, for proving their complaint
against Mr. Gavin Stewart, minister of Dalrellington, and William
Scharpe, his brother-in-law, of the said Mr. Gavin's taking some writes
from the said William Crawford, and the said John [sic] Scharpe's hurt-
ing and wounding the said John Crawford; with order for summoning
the persons complained upon and others as witnesses.

Supplication by Archibald Naper of Pitliver, as follows:—The greater
part of his creditors, knowing his resolution to give them satisfaction,
have given their consent to his procuring a protection from their Lord-
ships, but there are a few who refuse, so that his good intention will
be frustrated. He therefore craves that their Lordships would grant
him this notwithstanding; and this the Lords do until 12th January
next.
"The lyke protection granted to Robert Home of the Heuche and William Fairlie, his cautioner, untill the said twelth day of Januar next."

Supplication by Dame Katherine McDougall, Lady Uchitrie, as follows:—She has often petitioned their Lordships for a warrant to herself and her daughter to have access to her husband in his present distressed and comfortless estate, "in regard he is verie sicklie and infrime, and if some remeid be not provided for his health it may be that his greeffes and diseases growing sall quickelie steale him aff his feit." She therefore craves that she and her daughter may have access to him, to confer with him in the hearing of the keeper of the tolbooth of Edinburgh or any of the bailies of Edinburgh twice a week, if she and her daughter shall desire the same. This the Lords grant.

"The Lords ordains William Twedie to be putt to libertie, the goodman of Camlarg being actit to exhibit him upon the twelth of Januar under the pane of ane thousand pundis."

Sederunt—Chancellor; Wintoun; Wigtoun; Lauderdale; Bishop of Dumblane; Melvill; Clerk Register; Secretary; Sir James Baillie.

"The whilk day the Lords of Secret Counsell discharges and exoners Alexander, Master of Forbes, and John Jack, skipper, and ordains the said John to redelyver to the said Master of Forbes the moneys whiche he receaved of him with the victualls whilks he putt in his shippe."

"Forsameekle as the Commissioners for the Surrenders and Teinds hes thought it meet and expedient for the better baithening of the valuatiouns that there sall be a daylie meiting of some selected persons of their number to sitt both in the forenoon and afternoon for receaving of all suche valuatiouns as sall be exhibite unto thame and for hearing of partieis thereamet, and to the intent that this meiting may be certane and that the course intendit for accelerating of the saids valuatiouns be not interrupted nor hindered by the absence of these who ar nominat and elected for this bussines, thatfoir the Lords of Secret Counsell hes ordained that the whole commissioners for the Surrenders and Teinds sall be charged to be heere aganis the nixt meiting of the Comissionoun to the intent that when all ar present some solide course may be tane how a full number may be assured to attend this bussines. And thatfoir the saids Lords ordains letters to be direct charging James, Archbishop of Glasgow; William, Erle of Angus; William, Erle Mairshell; John, Erle of Mar; John, Erle of Rothes; Alexander, Erle of Eglintoun; James, Erle of Murrey; Robert, Erle of Nithisdaill; George, Erle of Winton; Alexander, Erle of Linlithgow; John, Erle of Wigtoun; John, Erle of Lauderdale; Patrik, Bishop of
1631.

CHARLES I.

Aberdeen; Alexander, Bishop of Dunkeld; Priket, Bishop of Ros; Androw, Bishop of Gallonay; Adame, Bishop of Dumblane; David, Bishop of Brechin; George, Bishop of Orkney; Androw, Bishop of Argyle; Archibald, Lord Lorne; Johne, Lord Areskine; Johne, Lord Yester; Johne, Lord of Londoun; Robert, Lord Burtie; David, Lord Carmegie; Johne, Lord Wemes; Johne, Lord Tracquair; Sir Archebald Achesone, Secretar; Sir Johne Hamilton, Clerk of Register; Sir Thomas Hope, Advocaet; Sir George Elphinston, Justice Clerk; Sir James Skeene, President of the Sessioun; Sir James Baillie of Lochend; Sir Alexander Gibson, Sir George Affleck, Sir Andro Fletcher, Sir James Learmonth, and Mr. James Bannatyne, senators of the Collodge of Justice; Johne Leslie of Newton, Sir Johne Hamilton of Barganie, Sir Patrick Ogilvie of Inchemartine, Sir Johne Maxwell of Neather Pooke, Sir Johne Charters of Amisfield, Sir James Lokhart of Lee, Archibald Campbell, the provest of Edinburgh, the provest of St Andrewes or Commissar Clerk there, Johne McNacht, burges of Edinburgh, Mr James Cockburne, provest of Hadinton, the provest of Dundie, Duncane Paterson, Gabriel Cuninghame, Johne Cowane, Duncane Forbes, Robert Alexander, burges of Anstruther, Andro Bell, burges of Linlithgow, and Mr Robert Cuninghame, burges of Kingorne, to compair personallie before the saids Lords upon the tent day of Januarie nixt, to hear and see some solide and certane course tane how a full number of the commissioners may be assured fra tyme to tyne to attend this service, under the pane of rebellion, etc., with certificatioun, etc."

[Sederunt as recorded above.]

Sir William Baillie of Lamington, compearing personally, presented before the Lords David Foullis of Leidhill, Alexander Hamilton, his servant, John Shankland, William Tennent, younger, Richard Tennent, and William MacWhite, for obedience of the act by which he obliged himself to enter them to underlie their Lordships' further pleasure in the complaint made upon them by George Foullis, master-coiner, and John Mure of Annatstoun, of taking the house of Leidhill and removing the said John Mure's wife and children therefrom. George Foullis compearing by Mr. James Foullis, his son, but the said John Mure not compearing, and parties having been heard, the Lords, in consideration of the circumstances of the case and that the persons aforesaid lay for a long time in ward within the tolbooth of Edinburgh for their offence, now relieve the said Sir William Baillie of his caution in the matter, and also release the persons foresaid produced by him from their warling and all further pursuit in the said matter, so that they may pass and depart home at their pleasure.
Supplication by James Chalmers, one of the ordinary macers before the Lords of Council and Session, as follows:—Their Lordships know with what fidelity, diligence and care he has attendit his charge, having spent the best part of his lyfe in that service without blemishe or reproach, and his name and credit was never brought in question till now of lait that he having out of his preposterous affection to M' Mathow Forsythe, his sonne-in-law, ingaged himself as cautioner for him in certane soumes of money," and now, contrary to his expectation, he has been left to account with the said Mr. Matthew's creditors. They so rigorously distress and trouble him "that they ar like to bring his gray hairis with sorrow to the grave." He in no way intends their prejudice, but "will concurre by his best and faithfull endeavours for their payment," and is willing to sell his lands and join with them in all other courses which may further their satisfaction. He therefore craves their Lordships' protection; and this they grant to him until 1st April next.

"The lyke warrand grantit to Sir Johne Scot of Newburgh to attend his actionis depending aganis Androw Scot, chirurgiane, till the first day of Februarie nixt."

Complaint by Sir Johne Hamiltoun of Magdalen, Clerk of Register, as follows:—William Wardrop, keeper depute under him of the Registers of Seasinges and others within the sheriffdoms of Argyle, Tarbert, Bute and Arran, who refuses to give up the Registers that were in the keeping of the said William. Charge having been given to the said Barbara to compear and produce the said registers, and the pursuer compearing but not the defender, the Lords ordain her to be put to the horn and escheat.

The Lords continue the protection formerly grantit to Francis Durhame of Duntarvie for his attending the settlement of the differences between him and Dame Jean Maxwell, his mother-in-law, until the 14th of January next.

Complaint by Dame Jean Maxwell, widow of Sir James Durhame of Duntarvie, as follows:—By a contract entered into between her and the said Francis on 30th September, 1625, she dispooned to him her lentin right of her conjunct-fee lands of the Myyne of Myrtoon of Lemahago, called the Abbey myyne, with the mill-lands, mulfures, and other per tinents thereof, in the parish of Lemahagow, also the Abbey Green of Lemahagow, the lands of Drumbreck, Blairrecking, the half merkland of the lands of Lemahagow, the third part of the merkland of Maybole, and another third part of a merkland possessed by John Huchesoun, with the manor places, houses, etc.; and a tenement of land in the
Cannogait, for which the said Francis Durhame is obliged to pay her four chalders of good and sufficient victual, two parts meal and one part beir, during her lifetime. But for six years past he has most unnaturally and fraudfully withheld this victual from her, and when she charged him for it he always obtained a suspension. Having no means to follow up the pursuit, she "is redacted to great extremity with her ten childrein, so as they have beene forced this lang tyme bygane to live by borroweing moneys frome honest persons, who now despairing of payment will not faile to cast her in waird and thereby bring her to the extremest point of miserie." Both parties comparing personally and having been heard, the pursuer nominated Sir John Murray of Ravelrig, and the defender nominated Thomas Ingis of Eastshiel, to whom they submitted their difference in this matter, and who, they promised, would meet in Edinburghe on 10th January next to consider them; and in case of variance they promised to consent that the Lords of Privy Council or Session should choose an oversein, to whose decision they would submit themselves.

Illustris, generosi, et amici nostri plurimum colendi. Literas vestras 22nd Decem-
ber 1631.

Calendis Maij datas, per manus Walteri Reynolds, liberæ civitatis
vestrae Lubicensis mercatoris, accepirus gratanter 'et non sine magno
nostro studio et cura ad perimplendum vestrum in negotio tam justo et
honesto deisiderium. Ille tanquam mandator exercitorum quorumdam
civium vestrorum, vobis querelam exhibuit, navem sibi suisque exer-
citoribus spectantem, et nomine domini Laurentii insignitam, a quibusdam
nostratibus illegitime direptam, et mense Junio anno millesimo
sexcentesimo vicesimo septimo, in regnum hoc Scottiæ divectam, et ibidem
judiciali sententia confiscatam, nemine (quorum intererat) vel citato, vel
audito. Nos (ea qua decet equitate) rem considerantes, et a primis
vestigiis indagantes qua ratione aut auctoritate dicta navis primum
capta, et deinde confiscata, et captoribus adjudicata fuit, comperimus eam
in curia nostra admiratia, regni hujus Scottiæ publico judicio, captoribus
adjudicatam. Propretrea quod illi, virtute commissionis magni hujus
regni sigillo munite, dictam navem, bona, et mercimonia prohibita, in
Hispaniam contra publicas regni hujus proclamationes, et edicta pro-
mulgata transvehentem, tanquam legitimam predam secundum juris
normam et temporis consuetudinem contracturum. Admirallium quoque
hujus regni supremum super hoc negotio audivimus, sententia sue
defensorem et propugnatorem acerrimum et processus sui ordinem et
judicii equitatem ab omni calumnia vindicare paratissimum. Nos interim
sane perpendentes negotiation istud non esse hujus nostri fori, omnemque
judicis iniquitatem et processus nullitatem, a supremo tantum senatu
hujus regni in civilibus per judicium rescisorium corrigendum ea qua
debemus cura et benevolentia dicto senatu causum commendavimus,
minime dubitantes quin illa regni hujus suprema et intemerata curia
mandatorem hunc civem vestrum ea qua decet equitate et sine longa

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Most sacred Soverane, The within bill of petitioun being exhibited unto us be the Maister of Forbes we have thought it our dewtie to send and recommend the same to your gracious consideration that his diligence and chargeable endeavours may receive its owne dew approbation, he having throw manie difficultieis left nothing unperformed heere whiche dooth consist within the compass of his power, as becometh a man of his place, descent and credite; all whiche we humbelie leave unto your Majesties owne grace and favour, and so, etc. Halyrudhous, 22 December, 1631. Subscrivit: Duplin, Lauderdaill, Dumblane, Tracquair, Arch. Achesoun, Hamilton, S'r Thomas Hope, James Baillie.
Edinburgh and the keeper of their tolbuith to grant to James, Lord Uchiltrie, the privilegde of ane free warder within their tolbuith during the dependence of his tryell, provyding that he be saulfllie kept so that he escape not; as alsua that they grant access within the tolbuith to his wife and daughter, Mr. William Struther and Mr. Harie Rollock, ministers of Edinburgh, to Marie Steuart, sister to the said Lord, the Laird of Mondurke, his good brother, Gilbert Neilson of Craigcaffie, John Inglis, his merchant, with whom he hes diverse compts to fitt, Bessie Achesone who furnishes him his meate, and James Ker, his servant, to the intent they may conferre with him at suche convenient tymes and occasiouns when they sall desire access within the said tolbuith; as alsua to suffer and permit James Areskine, the boy who is in prison with him, to goe out and in to the tolbuith for suche bussines as the said Lord must necessarilie imploie him into; anent the doing of the qhilks premises the extract of this act sall be unto the saids provest and bailleis and keeper of the tolbuith anne warrand. Followes his Majestis missive for warrand of the act abonewritten:

"Charles R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trueie and weilbelovit counsellours, we greit yow weill. We have seene the Lord Uchiltrie his petitioun whiche yow sent unto us, and considering how requisite the conference with divines is for him at this tymie and how necessarie for his affaires the meeting with his wife or these his freinds, or the implant of that his servant at all occasiouns may to be to him, our pleasure is that yow give warrand for these particulars or for his further ease within the prison as yow sall thanke fitt during the dependence of his tryell, according to the tenour of his petitioun whiche we returne yow heerewith. For doing whairof these presents sall be to yow a sufficient warrand. So we bid yow fareweil. Frome our Court at Whitehall, the 29 of December, 1631."

"Forsameeke as the Kings Majestie was gratiouslie pleased for releefe of the poore and change of small commoditeis to direct his former warrands to the Lords of his Privie Counsell for causynge some farthing tokins of the lyke weight and value as they ar current in England, and his Majestie being since informed and considering that the diisionoun of the pennie sterline formerlie used heere will be more convenient for exchange and reckoning than the new diision into foure farthings and that for avoiding the danger of counterfooting and for the more exactnesse of the impressioun it is fittynge to make the copper money of ane greater proportioun of weight. Thairfor his Majestie, with advice of the saids Lords of his Privie Counsell, hes thought meit and expedient, concluded and ordained that there sall be fyftene hundredth stane weight of copper, unmixed with anie other metall, wrought and forfged in a mylne, cutted be cutters, printed with presses and others ingynes necessar thereto and coynned in pennie and
twain pennies peeces, the penny weighing aught grains, whairof fyevth hundreth three score sixteene to be in the marke weight with sixteene of the saids penneys for remid of weight als weill heavie as light upon the marke weight thairof, and the twain pennies weyging sixteene grains, quhairof twain hundreth fourescore aught to be in the marke weight with aught of the saids twain pennies peeces for remide of weight als weill heavie as light upon the marke weight thairof, the saids peeces having on the one side ane imperiaall crowne and the letters C.R. at the sides thairof, and beneath the crowne the twain pennies peeces having twain II thus pointed, and the penny I as the figure and number of their value with this inscriptioun CAR. D.G. SCOT. ANG. FRAN. ET. HIB. R. and on the other side the saids peeces bearing a thistle with a leaf on either side thairof with the usuall and accustomed motto Nemo me impune lacessit. Whiche coyne his Majeste with advyce foresaid ordains to have course amongs his Majesties subjects for the use of the poore and change of small commodities allanerlie and not to be receaved in payment of soumes of money bot at the optioun of the partie receaver. Commanding heirby the generall, maister of his Majestie Counziehous and all others whom it doeth concerne presentlie to prepare thameselffes and to proceed with all convenient diligence to the melting, forging, milling and coyning of the saids penney and twain pennies peeces, and to continew carefullie therein sua that the whole quantitie of fyftene hundreth stane weight foresaid may be wrought and coynned before the first day of Januar in the yeere of God jvmvj threttie fyve yeeres; and that there be suche proportionable quantitie of the said copper coyne wrought in pennies peeces as his Majestie Thesaurar and Deutie Thesaurar sail fra tyme to tyme direct: Commanding alsa the wardane, counter wardane and sinker, everie ane of thame in their awne several charges, to attend this service, and to doe and performe what to the dewtie of their office appertheanes, as they will answere upon the contrarie at their highest charge and perrell: And ordains letters to be direct to make publication heirof be opin proclamatiouen at the mercat croce of Edinburgh and others places neidfull whairthrow nane pretend ignorant of the same; and to command and charge all his Majestie subjects to receave the saids penney and twain pennies peeces in exchange of small commodites in maner foresaid and in no wayes to refuse the same, as they will answere to his Majestie upon their obedience. Followes his Majestie missive for warrand of the act abonewritten.—CHARLES R., Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, right trustie and right weilbelovit counsellours, and trustie and weilbelovit counsellours, we gret yow weill. Whereas upon our pleasure formerlie signified unto yow tutcheing the copper coyne yow gav order for coyning fyftene hundreth stane weight of copper into farthing tokins of the lyke weight and value as they ar current in
this our kingdom, being now informed by our right trustie and wellbelovit counsellour, the Viscount of Stirline, our principall Secretarie there, that diverse of our loving subjects conceave the division of the pennie sterline formerlie used to be more convenient for exchange and reckoning than the new division into fourte farthings, and that for avoiding the danger of counterfooting and for the more exactnesse of the impressioun it is thought fitt to make the copper money of a greater proportion of weight, our pleasure is that the said quantitie of copper be coyned in severall speces of pennie and two pennie pceces, the pennie weyghting eight graines which is the weight current heere, and was intended there for farthing tokins, and the two pennie pcece sixteen graines of proportionable weight to the pennie; causing distinguishe thame by thair bearing on the one side the figure or number of their value under ane imperiall crowne with our inscriptionn; and on the other the thistle with the usual motto; which coyne we will to have course among our subjects for the use of the poore and change of small commoditieis allanerlie, and not to be receaved in payment of soumes of money bot at the option of the partie receaver. And in regard of the necessitie of a speedie returne hither for occasions concerning our service of Nicolas Bryot, our cheefe graver of our Mynt heere, whome we directed hither for coynning of these moneyes, we speciallie recommend to yow that no forder delay be made in putting that worke to perfection. So we bid yow heartilie farewell. Frome our Court at Whitehall, the 30 day of December, 1631."

[Sederunt as recorded above.]
ordaining the said bailies to arrest the said Marion and keep her in their tolbooth till the Lords intimate their further pleasure in the matter.

“The quhilk day the Captane of Clanrannald exhibite Rannald Mc'Alester V'An Oig, one of those who violentlie tooke and freid a preist out of the hands and power of the Bishop of the Yles, who being sworne tharemment depons by Donnald Bayne, his interpreter, that he was accidentallie present when the preist wes releevet bot knew not who the Bishop wes, and depons that before he was instructed be that preist that he had never nather heard preaching nor prayere; and that there was no suche divine exercise within the Captans bounds. The Lords allowes the said Rannald to returne home, becaus the Captane actit himselfe to present him agane before the Counsell when ever he sall be lawfullie charged.”

Sederunt—Chancellor; Privie Seal; Lauderdaill; Melvill; Tracquair; Bishop of Dumblane; Clerk Register; Sir James Baillie.

Supplication by Elspet Lindsay, widow of David Ramsay, Collector-depute of the Taxations granted to his Majestie in 1630 within the north side of the sherrifdom of Forfar, and James Ramsay of Ogill, cautioner for the said David, for his interest, as followes:—The said David in the discharge of his said office had uplifted about 315 merks 10s. as his accounts show, and he had this money upon him when he happened unhappily to be drowned in the Water of Southesk and throw the violence and spait of water carried down be the space of foure myles or thereby over the rockes and linnen, the hail cloaths being upon his bodie for the most part not onlie torne and rent, but also the hail parts of his bodie pitifullie mangled and spoylled,” and the whole money foresaid lost to the utter ruin of her and her fatherless children. She made known the case to the Lord Chancellor, as Collector General of the said taxation, who, commiserating her case, issued a warrant discharging the Sheriff of Forfar and his deputies from troubling her or her cautioiners on this account until further instructions should be given, and she now craves that their Lordships would grant her their discharge for the money lost as above-mentioned. This the Lords do by discharging the said Sheriff and his deputies from troubling the said widow or cautioner, and by ordaining the Lord Chancellor to allow the said sum of 315 merks 10s. to the said Sheriff of Forfar and his deputies in their accounts of the taxation.

Complaint by George Stewart, messenger, as follows:—Being employed in the collection of the two last terms of the taxation at Coldingham, a great number of the feuars of the priory met with him on 13th December last in the house of John Broun in Eymouth for payment of their dues. He was busy writing discharges to them when William Broun of Brounsbank being asked by his son for payment pretended that he had the
complainant's discharge. The complainant having truthfully replied that he had no discharge for the last two terms, and that he would require to report either the money or a hornsing to the Collector-General, "the said William having a capfull of all in his hand violentlie rashed the same on his face as he was wrytting, almost dang out his teeth thairwith, quhairthrow the blood gushed out of his mouth and blinded his eyes, and than he drew his sword of purpose to have slane the compleanner thairwith; and he publiclie bragged that now he had performed his promise in kuffing of the compleanner, as he had threatened ane quarter of yeeres before." The pursuer compearring but not the defender, probation was referred to the evidence of witnesses, who having substantiated the complaint in every part, the Lords ordained the said William Broun to be charged to enter into ward within the tolbooth of Edinburgh within six days, and there remain until he be released by them.

"After our verie heartilie commendatious to your good lordship. We looked that your lordship according to your promise made at your last meting upon the 21 of December sould have preceislie kept the nixt dyet of the ellevint of Januar bot your lordships absence hes disapointed and hindered the hail partieis whois dyetes wer appointed to the said ellevint of Januarie and the preceding and following dyetes for the committee quhairthrow his Majesteis service is verie farre interrupted and shaikin louse and the subjects drawin to extraordinarie charges, unnecesair attendance and tinsell of thair tymes, so as this service is lyke altogether to miscarie, highlie to his Majesteis offence if there be not a more assured and precise attendance; and thairfoir these are to request and desire your good lordship that yow faile not, all excuses sett aside, to make your addresse heere again Wednsaday nixt, the auctheene of this instant, to the intent yow may be readie in the afternoone to conveene and met with the rest of the commissioners and to concurre and joynie with thame in the matters than to be intretated and handled, and that yow come prepared to attend this whole moneth becaus in the course tane be the commision for assuring of a full nomber ever to attend your lordship is nominat as one for the moneth of Januarie. And so looking for your lordships precise Keeping of this dyet as yow respect the forderance and advancement of this service, quhilk his Majesteis hes so oft and frequentlie recommendit unto us, we committ your lordship to God. Frome Halyrudhous, the 13 day of Januarie.

Sederunt—Privy Seal; Wintoun; Lauderdalell; Melvill; Traquair; Bishop of Dumblane; Master of Elphinstoun; Advocate.
The Choristers "The whilk day the quiristers of the Chappell Royall compeirand personallie before the Lords of Privie Counsell, and being demanded if they wer able and would undertake to serve his Majestie both in the daylie service and at the coronation, they declared and affirmed be the mouth of Andro Sinclare, their speecheman, that they had both skill and abilitie to discharge that service to his Majesteis contentment and credite of the countrie."

Holyrood House, 17th January 1632.

[Sederunt as recorded above substituting the Chancellor for Wintoun.]

Complaint by John Balfour, mariner, indweller in Leith and James Brun, timberman there, with William Waters and John Borthwick, merchants, burgesses of Edinburgh, their cautioners, as follows:— John Stevisoun and William Weir, merchants, burgesses of Edinburgh, accused the two principals, Balfour and Brown, of stealing some goods belonging to them out of the ship called "The Johne" of which Thomas Wilsoun, skipper in Leith, is master, and charged them to find caution to undergo their trial before the Justice in the tolbooth of Edinburgh on 18th January instant. Conscious of their innocence, they found the caution as required and are quite willing to stand their trial; but when charged the said John Balfour was, as he still is, in Burdeaux as a sailor in a Leith's ship called "The Lamb," of which John Glas, skipper in Leith, is master, and the said James Brun was just about to sail thither as a sailor in the ship called "The James," of which Peter Logie in Queensferrie is master. As their ships are still at Burdeaux they cannot keep the said diet. Charge having been given to the said John Stevisoun, who complained by John Pitcarne, his procurator, and the said cautioners appearing for themselves and their principals, the Lords after hearing parties ordain the Justice, Justice Clerk and their deputes to postpone the said trial until 8th March next or sooner upon a warning of six days if the accused persons come home before then.

Supplication for protection to their debtor James Adinston, tailor, burgess in Edinburgh, by his principal creditors.

Complaint by Robert Adinston of that Ilk, George Leslie, Francis Kinloch, Alexander Adinston, Archibald Sydserfe, James Rae, Walter Rollock, Andrew Russell, John Dowglas, Patrick Beebie, Robert Smith, George Ker, and Katharine Archibald, principal creditors to James Aldinstoun, tailor, burgess of Edinburgh, as follows:—They understand that their said debtor is both willing and able to satisfy their claims if he were secured from personal arrest and had time to gather in his own debts, but he refuses to come in and deal for this unless he either obtains their Lordships' protection, or the consent of his whole creditors. The latter is not possible, because some of them "ly farre of and ar unknowne," and they therefore crave a protection to him from the Lords. Charge having been given to John Rynd, John Lawder and
James Dischingtoun, three of the suppliants' creditors, the two latter comprised and gave their consent to the crave. And the said Robert Adinstoun, Francis Kinloch, and Alexander Adinstoun, appearing for themselves and the rest of the suppliants, the said Robert Adinstoun declared that for the furtherance of the payment of the said creditors he was most willing that they should participate with him in the assignation made to him by his brother, the said James Adinstoun, and be admitted to sign the "contract of societie" following thereupon, so that they may proportionably participate in the benefit thereof for liquidation of their claims. The Lords are pleased to grant their protection to the said James till the last day of March next.

Complaint by Andrew, Lord Jedburgh, as follows:—He intends to sell a great part of his estate for his relief from the burden of debt under which he lies, but must have consultations with lawyers for the preparation of the securities, and come to Edinburgh, which he cannot do without their Lordships' protection. Charge having been given to John Hamilto, merchant burgess of Edinburgh, and Janet Sinclare, widow there, two of his creditors; and the pursuer appearing by John Dunlop, his procurator, and Janet Sinclare compearing personally, but not John Hamilto, the Lords, after hearing parties, grant the pursuer their protection until the last day of March next; but declare that if he do not take some course for the satisfaction of the said Janet Sinclare before 10th February next, they will, upon her complaint, recall this protection.

Complaint by Walter Wair in Dynburgh, as follows:—He is informed that he has been put to the horn at the instance of Robert Balloch in Gaitside of Duntreith for failing to enter himself in ward within the tolbooth of Edinburgh till he should be tried for wounding of the said Robert. He should now be relaxed from this horning, as he has given satisfaction and assentment to the said Robert, and has obtained his discharge thereupon, which he produces to their Lordships. Further, he found caution in 100 merks to appear this day before their Lordships and also to pay £20 for his escheat if found liable therein. Charge having been given to the said Robert Balloch, and he not compearing, the Lords grant suspension of the horning.

Sederunt—Privy Seal; Wintoun; Galloway; Dunkeleden; Dumblane; Clerk Register; Advocate; Sir John Scot.
we were pleased to write to you of lait that our right trustie and well-belovit cousine and counsellour, the Erle of Roxburgh, could not in regard to our service repair to that our kingdom before the fyftene day of this month of Januarie, so the verie same occasions being a reason to us for his further stay, our pleasure is that these busineses concerning him signified by our former letter be continewd till the 15th day of Februarie nixt ensewing, and to that effect that you caus intimat this our pleasure to the Commissioners for Surrenders and to the committee appointed by you for giving up a trew rentall of the Abbacie of Kelso; which recommending to your care, we bid you farewell. Frome our Court at Whitehall, the third day of Januarie, 1632. Qihilke missive being heard and considerit be the saids Lords they ordaine the same to be insert and registrait in the bookes of Privie Counsell, and intimatious thairof to be made to the Commissioners for the Surrenders."

[Sederunt as recorded above.]

Supplication by John Meldrum, as follows:—He was warded in the tolbooth of Edinburgh fourteen months ago by their Lordships, and he has been kept there "in close ward within twa locke fast doores" with twa wounds running on his bodie and others sickenesses and diseases. And now it hes pleased God to visite him with ane deidlie fluxe quhairof within thir foure dayes he is in worse cais and no lyfe looked for him. Lykaes his poore wife hes beene ever in close ward with him since the first day of August last, who hes lykewyes contracted anie heavie sickenesse and Iyes bedfast, and neither of thame is able to releve nor helpe another." He therefore craves their Lordships' warrant to the provost and bailies of Edinburgh and the keeper of their tolbooth to suffer his chamber door to stand open so that he may have free air at doors and windows. The Lords being truly informit of the truth of what is here represented, grant warrant as craved, provided that "the doore of the turnepype quhilk close both chambers be alaways keeped fast;" and to give access to the ministers of Edinburgh for conference with the supplicant and ministering comfort to him in his weak condition; and they likewise ordain that his wife shall have permission to go out and in to the tolbooth as she may think fit "for the benefit of the free air."

Complaint by Thomas Kirkpatrick of Closhoon, as follows:—During the period of their Lordships' protection to him for dealing with his creditors he has paid Bryce Sempill 7000 merks, Robert Charters 6000 merks, and Mr. William Douglas 1000 merks; and he has also arranged with some other creditors for small sums by paying their interests till next Whitensunday. But John Dalrumpell in Waterside, taking advantage of a horning executed against the complainer by Andrew Wilsoun of
Gargband, to whom he has paid not only his interests but part of the principal sum due, intends to trouble him and debar him from pursuing his actions before the Lords of Session, against which he charges their Lordships' protection. Charge having been given to the said Andrew Wilson, and both he and the pursuer being personally present, and the pursuer having faithfully promised in presence of the Lords to pay up the principal sum and arrears due by him to the said Andrew Wilson before next Whitsunday, the Lords continue his protection, but only against the said Andrew Wilson until that date, declaring that if he fail in keeping his promise no further protection will be granted to him against this claim.

Complaint by John Lands, merchant burgess of Edinburgh, as follows:—During the period of his late protection he has taken order with the greater part of his creditors, and when he petitioned objection was made by Janet Heuche as the assignee of Alison Baxter, for whom he was cautioned in 200 merks, and to whom he has offered all the satisfaction in his power, whether it be infeftment of land or any other condition she can crave or he can grant; yet, though she is only assignee, and the principal party is quite willing that he obtain a protection, she obstinately refuses. Charge having been given to the said Janet who, with the complainer, compared and consented to the continuance of his protection till 1st June next, the Lords grant him a protection till that date, but against her claim only, and ordain him to pay to her the arrears of interests due.

Complaint by Jean Hamiltoun, lawful daughter of the deceased Patrick Hamiltoun of Samuelston, as follows:—On 5th January instant, when she was in the town of Poppill on her mother's business, William Ogill, of Poppillrule, without any cause, assaulted her with "ane great corn forke wherewith he gave her twa cruell wounds on the forehaid" to the great effusion of blood and peril of her life, "so as continuallie thereafter she swowsnes." Charge having been given to the said William Ogill, and the pursuer compearing but not the defender, the Lords, after hearing witnesses, find the charge proven, and ordain the defender to enter himself in ward in the tolbooth of Edinburgh and there remain until released by them. They further direct that each witness be paid two merks by the producer; and declare that as they have taken cognisance of this complaint the defender shall not be liable to be fined or imprisoned for the same by the sheriff of Hadintoun or any other inferior judge.

Sederunt—Chancellor; Privie Seal; Lauderdaill; Bishop of Dun; Holyrood keld; Bishop of Dumblane; Lord Areaskine; Lord Melvill; January 1632. Clerk Register; Sir John Scot.
"The whilk day the missive letter underwritin signed be the Kings Majestie and direct to the Lords of Privie Counsell was present to the saids Lords and read in their audience, of the whilk the tennour followes:—Charles R. Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellours and right trustie and weilbelovit counsellers, we greet you weill. Whereas we ar informed that you have of lait appointed the nyntene day of this month for the compeirance of all those that ar interested in the estait of the eredome of Bothuell to hear your proceedings concerning the rentals of the said eredome, seing our right trustie and wellbelovit cousine and counsellour, the Erle of Buccleuch, cannot repair to that our kingdome for considerations knowe to us at the day prescribcd by yow, our pleasure is that what may concerne the said Erle in the tryell of the rentals of the said eredome of Bothuell yow continuw the same till the fyftene day of Februarie ensewing, and to that effect that yow caus intimat this our pleasure to suche persons as yow sall find it may concerne; Which recommending to your care, we bid you farewell. Frome our Court at Whitehall, the 17th day of Januar, 1632."

"The whilk day the missive letter underwritin signed be the Kings Majestie and directed to the Lords of Privie Counsell was present to the saids Lords and read in their audience, of the whilk the tennour followes:—Charles R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greet yow weill. Having considerit of your letter concerning the Lord Uchiltrie and of the processe sent thairwith, we doe conceive no necessitie of anie further direction then wes formerly givin, and it is our pleasure that yow proced according therunto in the ordinairie way of justice for his tryell. And as for the doubt arysing about the confronting of the said Lord with the Lord of Ree, they wer confronted before the Committee appointed by us for that purpose in all such things as wer thought fitt to be cleered betweene thame at thate tyme; and if anie difference doe arise in that kynde whairof yow desire to be resolved, acquaint us thairwith and answer sall be returned with diligence. So expecting your best endeavours for a fair and legall tryell we bid yow farewell. Frome our Court at Whitehall, the sixteene day of Januarie, 1632. Quhilk letter being heard and considerit be the saids Lords they continew the advising of the said letter till Thursday nixt."

"Forsamekkle as it is understand to the Lords of Privie Counsell that there hes beene a small progresse in the Commissiou for the Surrenders be reason that the partieis having interese in the valuaitions hes not keeped their dyets appointed unto thame nather before the Commissiou nor Committee, so as it hes oft tymes fallin out when the Commissioneres hes attendit, no parteis, altho lawfullie warned, compeird nather to persew nor defend, but suffered their dyets to desert;
that afoir the saids Lords ordains letters to be direct charging all partis having interesse in the saids valuations to compeir before the Commission and Committee at the dyets to be appointed for discussing and approving the saids valuations, with certificatoun if they compeir not that the Committee and Commission will proeceed and approve the valuations as they sall be givin in, and the said valuation sall stand in force ay and quhill partis pretending to be interest and hurt in the saids valuations grett redresse and reparatioun of their hurt be the ordinar course of justice.”

“The whilk day the missive letter underwrittin signed be the Kings Majestie and directed to the Lords of Privie Counsell was presented to the saids Lords and read in their audience, of the whilk the tennour follows:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weil. Whereas upon your representing to us the great losse sustaneed be Captane Robertsone, latelie deceased, and the contempt offered to us by some Hamburgers, we wer pleased to grant to him and his partners letters of reprisall; being now informed of his modest cariage before his death in his patient suffering of his losses without anie violent course takin be him anagis anie of the Hamburgers during suche tymes as yow (out of a respect to that state) had prescript, and that now both the tyne limited is expired and yitt no satisfactioun givin to him before his death nor since to his partners, we ar gratiouslie pleased upon humble sute made unto us in behalfe of Androw Ainalie, Johne Couan, George Arnot, and others his partners, and of his wedow and childrein, that yow grant unto anie persoun whome they sall mutuallie appoint for that purpose letters of reprisall of new according to the trew intent and provisionis mentiouned in the former; and to that effect that yow give order for expeding thairof under our great seale; and for your so doing these presents sall be unto yow and our Chanceller, and all others whome it may concerne, a sufficient warrant and discharge. So we bid yow farewell. Frome our Court at Whitehall, the 16 day of Januar, 1632. Quhilke missive being heard and considerrit be the saids Lords they ordane the partners to produce this day aucyth dayes thair new signatour, thair old commissionioun and all others letters quhilks they have concerning this purpose.”

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and James Maxwell of Threemerkland, constable of the Threeve and Steward-depute of Kirkcudbright, as follows:—The said steward-depute has lately been charged by Patrick McClellane, messenger, to apprehend John Riddick of Dalbetie in terms of letters of capture raised at the
instance of John, Agnes, and Rosina Riddick, lawful children of James Riddick of Grange, and James Bryssoun, now spouse to the said Agnes, and the complainer, out of a desire to do the duty of his place, required the messenger to show him where the rebel was and to concur with him in his apprehension, which he very dutifully refused to do. Notwithstanding thereof the complainer went and with great trouble apprehended the said rebel and brought him on 22nd August last, the second day after he was charged, to William Foullertoun, provost of Kirkcudbright, and after showing him the charge for apprehending the said rebel, desired him to place the prisoner in the tolbooth of Kirkcudbright, as being the head burgh of the said stewartry, and the ordinary jail thereof. To this the said provost seemed to agree; and yet out of his affection for the prisoner he earnestlie suggested that the matter might be drawn to an agreement. For this effect Marion M'Naught, spouse to the said provost, as taking burden for John M'Naught, indweller in Edinburgh, at whose instance the letters were executed, consented to take the said steward-depute's bond that he would agree with his party before 1st November next under the penalty of 400 merks, and the said provost undertook to relieve the said steward-depute at the hand of the messenger. But, as it appears, they only wished to draw the complainer under the said rebel's debt, they shortly afterwards resiled from that agreement, looking that he would suffer the rebel to escape. The complainer was accordingly forced to bring the rebel about 8 o'clock at night to the said provost's dwelling house to be entered by him in ward; but the provost absented himself and his wife took instruments that it was under night, when no magistrate was bound to receive rebels. The complainer took with the rebuff, but gave notice to the provost to be ready in the morning with the bailies to take the said rebel off his hands. Accordingly in the morning he sent Thomas M'Clellane of Colline, another steward-depute, to desire the provost to do his duty; but the provost refused, declaring that he would rather incur the danger of the sum and the censure of the Council than commit the said rebel. Thereupon the complainer went with the rebel to the provost's dwelling house, but the provost absented himself. He then took him to the dwelling houses of John Ewart and William M'Ilmichen, bailies of the said burgh, who also absented themselves and refused to receive the rebel. The complainer was then forced to carry him through the town to the tolbooth himself to deliver him to the jailer there; but the jailer at the direction of the said magistrates locked the jail and went away taking the keys with him; whereupon the complainer committed the rebel "within the turnpyke yet of the tolbuith, made the utter yet fast upon him," and then coming to the Cross of Kirkcudbright, made public intimation of his diligence in the premises. Notwithstanding hereof the said magistrates suffered the said rebel to escape. Afterwards, on the complainer learning that the said rebel was
making out of the country, on 25th August he followed after him for 24 miles a whole night, and apprehending him at the farthest part of the steartry, brought him upon the 26th to the said William McIlmichen and desired him to commit him. This he "vere proudlie refused, lap on horseback and raid away." Then he took him in turn to the dwelling houses of the provost and each of the bailies, who every one absented himself; and afterwards to the jailer, who acted as on the former occasion. Whereupon the complainer repeated his imprisonment of the rebel within the turnpike gate, and made intimation as before at the market cross; and that the said magistrates might not pretend ignorance of the warding of the said rebel, he left his servants there in charge of him for three hours; notwithstanding whereof the saids magistrates suffered him to escape. Though the complainer has thus done his duty in the matter, the messenger who first refused his concurrence to him has now denounced him rebel for not apprehending the said John Riddick. Charge having been given to the said William Foulertoun, John Ewart, William McIlmichen, and Patrick McClellane, and pursuer and defenders compearing, the Lords, in respect that there is no riot or violence libelled, remit the complaint to the Lords of Council and Session as the competent judges in such a case, and ordain the pursuer to pay the witnesses produced, every horseman £10 and every footman £4, with this declaration that if he prevail in the case before the said Lords of Session he will have repetition of these expenses from the defenders.

Complaint by William Kirk of Blairhill and Margaret Donaldsoun, his spouse, as follows:—On 21st July last James Crawford at the Mill of Muckart came to their lands in Blairhill and in a most lawless way "kuist fowssese and stanks upon the saids lands, and when as the said William reproved him he cruellie invadit and persewed him of his lyfe with swords and others weapouns, hurt and woundit him fairwith on the armes and legs, stogged him in the bellie, kuist him to the ground, cruellie bersed and bruised him in diverse parts of his bodie, band his hands behind his backe with his awne hors helter, kuist him in the said stanke bound hand and foote and left him lying there in a great tempest of wind and weitt to the hazard of his lyfe. And upon the mornere thereafter the said James come to the compleaneurs said spouse, cruellie hurt and woundit her with his falded neiffes, kuist her in the said water and stanke where she lay a long tymne in the perrell of her life, and shortlie thereafter parted with barne." The pursuers and defenders compearing personally and probation being referred to the defendes oath of verity, who deponed negative, the Lords assoilzie him.

Complaint by Grisell Lyn, widow of Andrew Christie in Leith, as follows:—She is due the sum of 400 merks to James Dalgleisch, merchant burgess of Edinburgh, by bond, and she has satisfied him for this sum till Whitsunday next, and received a ticket from him in which he con-
Complaint by John, Lord Loudon, against John Campbell of Schankston and Robert Wallace of Barnwell, sub-commissioners for the Presbytery of Ayr, and James Chalmers, notary, for refusing to give extracts of valuations in which the complainant is interested.

At Halyruidhous the twentie fourt day of Januar, the yeere of God 1632, the xvij threttie twa yeeres, anent our soveraine lords letters raised at the instance of Johne, Lord Loudoun, makand mentiouin that where the valuations of the kirkis of Uchiltreie, Cumnock, Tarbowtoun, Quiltoun, and Dalmellingtoun being long agoe satellte and concluded before the sub-commissioners of the Presbyterie of Air, and the said Lord having earnestlie dealt with thame and their clerk for ane extract of the saids valuations to the intent he might have tae some course and order for the teinds of his lands within the saids parishes and that his Majestis annuitie might be cleered and the kirkis planted with competent stipends, nevertheless he can be no meanes nor intreatie gett ane extract of the saids valuations, but they ar concealed and holdin up frae him as if they had never beene deducit." Charge having been given to John Campbell of Schankston and Robert Wallace of Barnwell, sub-commissioners, and James Chalmers, notary, their clerk, to have brought and exhibited the valuations of the said five kirkis before the Commissioners for the Surrenders and Teinds, so that an extract might have been given to the said Lord for the purposes above stated; and the case being called before the Commissioners on 20th January instant, when the said Lord compared but none of the persons charged as above, nor yet were the valuations sent; and the said Commissioners having this day made report of their disobedience to the Lords of Council, their Lordships direct that the said John Campbell, Robert Wallace and James Chalmers be put to the horn and escheat.
1632. CHARLES I. 417

Sedent—Chancellor; Privy Seal; Lauderdaill; Bishop of Dun-Holyrood House, 26th May 1632. Bishop of Dumblane; Areskine; Traquair; Clerk Register; January 1632. Sir John Scot.

"The Lords of Secret Counsell ordains and commands Sir Thomas Hope of Craighall, his Majesties Advocat, to proceed and insist in the pursuite of the Lord Uchiltrie upon the first day of Februarie nixt, which is the dyet whairunto the action was continuwed."

"CHARLES R. Right, etc. Being informed that upon some consideratious we wer pleased not long since to grant ane protection to Sir John Leslie of Wardes and a certane number of his cautioners from being troubled be thair creditors for some short tyme, and hearing that a number of the said Sir John Leslie his cautioners wer omitted in the said protectioun whairby thair estaitis are lyke to be seazed upon: we have thought fitt for thair better ease to recommend speciallie to yow that these cautioners omitted, whos names sall be givin up to yow, performing to thair creditors suche things as ar mentioned in the said protectioun, the lyke in all respects be grantit to thame, and that the same be immediately exped withoout further trouble to us under our great seal, for thich these presents sall be unto yow, our Chancellour, and others whome it may concerne, a sufficient warrand; we bid yow farewell. Frome our Court at Whitehall, the 28 of Januar, 1632.

Sedent—Chancellor; Wintoun; Lauderdaill; Areskine; Bishop Holyrood House, 6th January 1632. of Dunkeld; Dumblane; Traquair; Clerk Register; Justice Clerk; Sir John Scot.

Supplication by Hugh Wallace of Cragie, knight baronet, and William Wallace of Ellerlie, William Wallace of Preistickshaw, Robert Wallace of Barnewill, Robert Wallace of Brighous, John Tait of Adamshill, Mr. John Hamiltoun, minister at Cragie, Andrew Crawford of Drings, Mr. John Chalmers of Poquharne, Paul Glover of Trinitieland, John Wallace of Sheillies, and James Wallace of ... cautioners for the said Sir Hew to David Cuninghame, his Majestys servitor, Nicol Udward, Robert Smith, and William Cuninghame of Drongin, as follows:—The protection granted to the said Sir Hew and his cautioners expires on 2nd February next, and as the object of it was that he might attend upon the Lords of Exchequer for receiving payment of the £20,000 agreed upon for his surrender, which he was to assign for the satisfaction of his creditors, but of which he has received no payment, it is necessary that their Lordships should still continue his warrand, which accordingly he craves. The Lords ordain the said Sir Hew to summon the creditors against whom he seeks protection before them on 29th March next to hear the same granted, and meanwhile they continue his present protection till 1st April next.
"The lyke warrand prorogat to Sir John Scoit of Newburgh for attending his actioons aganis Andrew Scot till the first of March nixt."

Patrick Dickson, servitor to William, Earl of Angus, compearing for satisfaction of the act whereby the said Earl was obliged to exhibit him this day, desired that as he had now fitted his accounts of the said Earl’s estate, and the “Erle had quit his service,” that the said Earl might now be exonerated of all further exhibition of him, and that he might be allowed some time for removing his wife and a young child of thir-teen weeks of age from the place of Dowglas and for satisfying the Kirk anent his religion. The Lords, in respect of this compearance, relieve the said Earl of all further responsibility in the matter, but take the said Patrick personally bound to appear before them on the first Council day of March next and then to underlie their order in respect of his religion, and meanwhile to live free of scandal, repair to the church, confer with the ministry, and not reset Jesuits nor priests nor confer with them under the penalty of £500.

"The quhilk day the Lord Chancellor produced ane patent under his Majesteis great seale, bearing dat at St James the last day of October 1631, by the whiche his Majestie hes beene gratiously pleased in consideratioun and for respect of the mariage past and celebrat betuix Sir William Ker, sonne to Sir Robert Ker of Ancrume, gentleman of his Majestie bedchamber, and Anne Ker, daughter to the lait Earl of Lothiane, and for that the said Sir Robert hes upon his awne proper charges and expenses redeemed the lordship of Newbottle from the hands of the persons comprysers thairof and hes provided Jeane Ker, secund daughter to the late Erle, to a suitable and competent meanes and provisoun, to make and create the said Sir William Ker and the airis male lawfullie procreate betuix him and the said Ladie Anna Ker, whiche failleing, the said Sir William Ker, his airs male bearing the name and armes of the Erles of Lothiane and lordship of Newbottle, Earles of Lothian and Lord Ker of Newbottle, whiche patent was delyvered to the said William, Erle of Lothiane, who, being personallie present, accepted the same with all humilitie upon his knees, acknowledg-ing his Majestie gracious favour and promising his best services and faithful endeavours to prove worthie of the same."

Complaint by Ralph Ker of Ridpath and Robert Ker his son, fiar thereof, as follows:—They are cautioners for the goodman of Chatto in certain great sums of money, and on his death, fearing that his creditors would come upon them, as they could not meet them and their own, the

1 Afterwards (1653) Robert, first Earl of Ancrum,
said Robert fled to England, where he now is. As their conjunct cautioners have now undertaken to bear equal burden and their friends have offered a helping hand they crave their Lordships' protection to come to Edinburgh for the settling of their affairs. Charge having been given to John Ker of Lochtour, John Halyburtoun of Mertoun, John Winnhame, burgess of Edinburgh, James Forsythe the there, Isobel Allane, widow, John George, Mr. David Gourlay, Mr. Thomas Ridpeth, Martin Leitch, Mr. James Wilkie, Mr. Harie Chaip, Robert Monteith, Mr. Adame Persoun, Andrew McDougall, Mr. Adam Hepburn for the Lord Lindsey, Walter Borthuick and James Bannatyne, to object if they saw cause, and the pursuers appearing by Mr. Alexander Hepburne, their procurator, and of the others, John Ker of Lochtoure, John Halyburtoun of Mertoun, James Forsythe, Isobel Callane [sic], Martin Leitch, Andrew McDougall, and Walter Borthuick, who all consent (without prejudice to the said James Forsythe to pursue their cautioners), the Lords grant their protection as craved until 1st April next.

Complaint by Nicol Muschett of Boghall, James Norie of Norestone, Alexander Norie, his son, Andrew Spittell in Boghall, and John Duncan in Spittleton, as follows:—They are informed that they have been beck to the horn at the instance of James Wright in Norestone for failing to compear before their Lordships on 8th December last to answer to a complaint of violently apprehending and imprisoning the said James in the Castle of Downe. Now, they were never lawfully charged, for the copy of their charge bore that their compearance was to be on 16th December, which they aver shows the malicious design of the said James Wright to take an unjust advantage of them. However, they have found caution to appear before their Lordships on 19th January and to pay £20 as their escheat, if it should be decreed that they do so. The pursuers compearing by , their procurator, but James Wright not compearing, the said procurator produced a rolment of the court of the Stewartry of Montse showing that the said James Wright was fined £50 for wounding James Norie, servitor to Nicol Muschet, in various parts of his body, and for non-payment was lawfully committed. The Lords ordain that the pursuer's horning shall be suspended, and have no effect in time coming.

"Ane protection to John Ahanna of Sorbie and Alexander Cuning—Protection to John Ahanna of Sorbie.

"Ane protection to John Ahanna of Sorbie and Alexander Cuning—Protection to John Ahanna of Sorbie. Erle of Galloway anent his satisfactioun."

Sedervnt—Chancellor; Privy Seal; Wintoun; Linlithgow; Perth; Holyrood House, 7th Dunkeld; Dumblane; Lord Areskine; Master of Elphinstoun; February 1692. Advocate; Justice Clerk; Sir John Scot.

"Forsameekle as it is understand to the Lords of Secret Counsell that Charge to William Cunningham of there is some trouble and controversie latelie fallen out betuix William.
Cunninghame of Waterstoun on the ane part, and Hew Montfode of that Ilke, on the other part, whilk will not fail to produce sindrie inconveniencyes to the breake of his Majesties peace without remeide be provydit, thairfoir the Lords of Secret Counsell ordains letters to be direct charging both the saids parteis to compiere personallie before the Counsell upon the twentie ane day of Februarie instant to underly suche order as shall be tane with thame for observing his Majesties peace, under the pane of rebelliioun, etc., with certification, etc.; and in the means tyme to command and charge both the saids parteis to keepe good rule and quyetnes in the countrie, and that none of thame prescume nor take upon hand to invade, persewe, trouble or molest one another for whatsoever deid, caus or occasioun, otherways nor be order of law and justice, either of thame under the pane of twa thousand merkes; certifieing thame that does in the contrair that they shall be decerned to have incurred and to incur the said pane, and letters and executorialis sall be direct agains thame for payment thairfoir to his Majesties Thessaurar, Deputie Thessaurar and Receavers of his Majesties Rents in his Majesties name and to his Majesties use in forme as effairs."

"The Lords of Secret Counsell for good respects and consideratiouns moving thame, ordauns and commands his Majesties Justic, Justice Clerk and thair deputis, to continew the dyet appointed for the tryell of the Lord Uchiltrie upon the crymes thairfoir he is accused before thame till the fyftene day of Februarie instant, quherceanent the extract of this act sall be to thame ane warrand."

"The quhilk day ane signature conteaining ane warrand for letters of reprisall to be granitit to Captaine Orrock and Captaine Scott aganis the Hamburgers for satisfactioun of the losses susteanned be umquhill Captaine Robertson and his partners wes read, past and allowed in Counsell, and the same ordained to be sent up to his Majestie to be disposed of as his Majestie sall thinke fitting, for quhilk purpose ane letter wes writtin to his Majestie, of the quhilk the tennour followes:—"

"Most sacred Soverane. Upon receipt of your Majesties letter direct unto us in favours of umquhill Captaine David Robertson and his partners, having considerit the reasons exprest therein and the great losse susteanned by thame, quhariof as yitt they have receaue no redresse nor satisfactioun frome the Hamburgers, we have in all dewtifull obedience to your Majesties royall command exped new letters of reprisall unto thame. Bot in regarde we understood by a letter frome the Vicount of Dorchester, your Majesties principall Secretarie for England, that it wes your Majesties pleasure that the former letters of reprisall and the executioun thairfoir sould be stopped (whiche we conceived to have beene done upon good and considerable respects) and that your Majesties letters to the State of Hamburgh and the answers returned thereto, whiche wes the warrand of the first proceedour ar extant upon record there, we have forborne to delyver the letters of
reprisall to the partie, and have thought good yitt as of before to send up the same to your Majestie, humbelle intreating your Majestie to take this mater and the consequence thairof to your grave and wise consideration and after dew tryell of the ground and reasonous of the Hamburghers thair refuisall or delay to have done justice within the tyme prefxt be your Majestie's letter direct to thame for that effect to take suche a course therein as may be justifiabill in law and further your distressed subjects to thair dew satisfactionou. And so praying God to blesse your Majestie with a long and happie raigne, we rest, etc. Halyrudhous, 9 February 1632. Subscribitor; Dupline, Hadintoun, Wintoun, Linlithgow, Lauerdail, Dunkelden, Dumblane, Hamilton, S'r Thomas Hop, S'r G. Elphinstoun."

[Stedunt as recorded above.]

Complaint by Andrew Kinloch, merchant burgess of Edinburgh, as follows:—On 28th June, 1622, Thomas McClellane of Colline and Thomas McClellane of Barmagachane, were put to the horn for not paying him a debt of 4950 merks and 600 merks of expenses; and on 22d May, 1621, the said Thomas McClellane of Colline and William McClellane of Sammuck were put to the horn at the instance of Edward Forrester, Commissary of Kirkcudbright, for not paying him the sum of 1200 merks and £100 of expenses, to which sums the complainant has also a right by assignation. Of these hornings these persons take no heed. Charge having been given to the said Thomas McClellane of Colline and Thomas McClellane of Barmagachan, and the pursuer counciuring but not the defenders, the Lords ordain the Steward of Kirkcudbright and his deputies to be charged to search for, apprehend and ward the said defenders, and keep them in ward until they be orderly relaxed from their hornings; also to seize their houses and goods and report the same by inventory to his Majesty's Treasurer, within three days on pain of rebellion.

"The quhilk day ane signatour conteaning ane warrand for letters of reprysal to be granted to Captaine Orrock and Captaine Scot agains the Hamburghers for satisfactioun of the losses susteanned be umqhile Captaine Robertssoun and his partners wes read, past and allowed in Counsell, and the same ordained to be sent up to his Majesty to be disposed of as his Majestie sall thinke fitting; for quhilk purpose ane letter wes writtin to his Majestie."

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Lauerdail; Bishop of Dumblane; Areskine; Melvill; Traquair; Master of Elphinstoun; Clerk of Register; Justice Clerk.

1 This letter is also recorded in the Council's Register of Letters, fol. 204, a.
The Lords of Secret Counsell ordains and commands John, Lord Tracquair, Deputie Thesaurar, Sir John Hamilton of Magdalens, Clerk of Register, Sir George Elphinstoun, Justice Clerk, and Sir James Baillie of Lochtend, to convene the maister householders and others officiers, and to consider what is fitting and necessar to be prepared and provided for his Majesties heerecomming and to report upon Tuesday next.

The Lords of Secret Counsell ordains and commands the committie formerlie appointed for surveying his Majestie houses to visite the same of new and to consider in what caise they ar, and if the maisters of worke have fulfilled that part which by the contract past betuix thame and his Majestie they ar obliged to performe, and what forder is fitting to be added and done for his Majestie contented and commodious receptioun, and to report so soone as convenientlie they may.

[Sederunt as recorded above.]
"Charges aganis the bailleis, of Leith to exhibite Marion Muir prisoner in thair tolbuith, for witchcraft, upon Tuesday nixt, discharging thame in the meanetyme of all proceeding aganis her be vertew of the commission granit to thame for that effect; and for this purpose ordanis Doctour Jollie and the persoun of Restalrig to be warned to that dyet."

"That the Act of Estaites anent the pryce of victual sett down for the rule of importation and exportation of victual may be produced upon Tuesday nixt to the effect order may be tane for restraining the importation of victual from Ireland."

*Sederunt*—Chancellor; Lauderdaill; Bishop of Dunkeld; Bishop of Dunblane; Lord Melvill; Advocate; Justice Clerk.

Proclamation against the buying, selling, and eating of flesh in Lent. 1632.
foresaid the offenders shall be punished in their persons at the discretioun of his Majesteis Counsell. And siclyke to command and charge all and sindrical shireffis, stewarts, provestis and bailleis within burgh and all others bearing anie publict offfice or charge within the kynedome that they and everie one of thame within the bounds of their several offices and jurisdiccion have a speciall care and regarde to see this present act observed in every point; and where they shall happen to discover anie personis or persons contravening thir presents that they take notice of thair names and informe his Majesteis Counsell thairof, to the intent the offenders may be callit to thair answar and punished accordinglie."

"CHARLES R. Charles, be the grace of God, King of Great Britaine, Fol. 113. a. France and Ireland, Defender of the Faith, to all and sindrie our lieges and subjects whome it efferis, to whois knowledge thir our letters sall come, greeting. Forsameekkle as we have givin and grantit, and be the tennour heerof givis and grante libertie and licence to the Lords of our Privie Counsell, Sessioun and Exchequer, and to suche as sall accompanie thame at table to eate flesehe during this forbiddin tyme of Lent, and upon Wednesdai, Fryday and Saturday for the space of ane yeere nixt after the dait heirof, notwithstanding whatsoever acts and proclamatious made in the contrair, whereanent and all paines conteanit therein we dispense be thir presents; discharging heirby our Justice, our Advocate and Justice Clerk, and all others our judges, officiars and ministers of our lawes of all calling, accusing or anie wasyes proceedinge aganis the saids Lords of our Privie Counsell, Sessioun and Exchequer or persons accompanying thame at table, as said is, or anie of thame for the caus foresaid, discharging thame thairof and of thair offices in that part simpliciter be thir presents. Givin under our Signet at Halyrudhous, the fourtene day of Februarie and of our raigne the sevint yeere, 1632. Subscribitur, Geo. Cancell, Laudelaill, Dunkeldin, Dumblane, Melvill, S. Thomas Hop, S. G. Elphinston."

"The Lords of Secret Counsell for good respects and considera- tions moving thame ordains and commands his Majesteis Justice, Justice Clerk and thair deputis to continew the dyet appointed for the tryell of the Lord Uchiltrie upon the crymes whairof he is accused before thame till the last day of Februarie instant, quhereanent the extract of this act sall be to thame ane warrant."

[Sederunt as recorded above.]
which she has been frequently heard by their Lordships, they ordained
"the said Robert to receive the compleuner in his companie and to
permit her to cohabite with him, as also they moved him to perfyte,
subserve and delyver to the compleuner ane contract of all and sindrie
his lands, heritage, tacks, steidings, annualrents and soumes of money
undisposioned and dilapidat to her in conjunct fee and lyverent and to
the childrein procreat betuix thame heretablie." But in contemp of
their Lordships he left her and her poor family and went off to England
with one Jean Ker, a daughter of the deceased Andrew Ker of Gredden,
taking with him all the goods and gear he could have at that time, and
there he remained with her "in the filthie cryme of adultery all the
last harvest." At the end of harvest the complainer went to
England, "brught the said Jeane Ker furth thairof to the presbyterie of
Middelbie, presented her before the brethren of the same, and out of her
affection to her said husband offered to forgive him all his bygane
offences, provyding he would remaine at home with her and his childrein;
neverthes he hes left the compleuner and aucht childrein, quhairof foure
are so young and weake that they cannot put on thair cloathes, and
since Martimes last they have had nothing but what they have begged
from thair freinds; and in the meane tyme he inteartwies the said
Jean in ane caisterlbour with all things necessar until she be delyvered
of her childe to him." When she raised inhibitioun against him upon
the foresaid contract, he, to baulk this, sold the whole plenishing of his
house, with his corn, horse, cattle, and sheep, locked up his house, cast
forth the complainer and their childrein without allowing them cloathes
or any kind of furniture, and caused his creditors arrest all that remained
undisposed of, with right to pursue for such sums as were due by him to
her. He has by these means amassed about 3000 merks, with which,
when the said Jean is delivered of her child, he intends going to
England, and living there with her in adultery. She and her childrein
will thus be brought to beggary. Charge having been given to the said
Robert Scott, who did not compear, and the pursuer compear and
having been heard, together with the evidence of several witnesses, the
Lords find "that the said defender hes behaved himselfe vere undewti-
fullie to his said spous, hes removed himselfe from hir companie and
hes keppe companie with the said Jean Ker, who hes borne ane borne
to him," and ordain him to be charged to enter into ward within the
tolbooth of Edinburgh on six days, and there remain until order be taken
with him in this matter, upon pane of rebellion; and they ordain his
Majesty's Advocate to pursue him criminally before the Justice for his
adultery.

Supplication by Archibald, Lord Lorne, heritable Justice within the
sherrifdoms of Argyle and Tarbet, the Isle of Bute and whole other
isles south and north of this kingdom, as follows:—He is lawfully pro-
vided to the said heritable office, and he and his deputes are alone com-
bereditary
petent judges of all criminal matters within the said bounds. He is informed, however, that several persons accused of witchcraft and other capital offences have lately been apprehended in Bute, and that James Stewart, Sheriff of Bute, and his deputies, or some other persons, intend to crave a commission from their Lordships to try them, which, if granted, will tend to the prejudice of the said office granted to him by his Majesty by patent under the great seal with all solemnities requisite. He therefore craves that their Lordships will decline to grant any commissions whatsoever for judging of criminal matters within the bounds of his commission. The Lords declare "that they will grant no commission to anie persoun or persouns whatsoever for trying, censuring or judging of anie criminal matters within the bounds of the said Lord of Lorne his commissioun or anie part thairof till the said Lord of Lorne be warned to the granting of the same and heard thereaenent."

Supplication by Sir Lachlan McClaine of Morverne, knight baronet, as follows:—Their Lordships know the heavy burdens of debt he underlies for his father and elder brother, on account of which they assigned to him the living of Dowart, and how that notwithstanding they have meddled with the whole rent and left the supplicant to account with their creditors and debarred him from his native country, from which for fear of his life he has been obliged to flee. Their Lordships on this account have cited them to appear before them on March next, but seeing he cannot, because of the circumstances foresaid, take order with his creditors until, by the honourable dealing of their Lordships between his father and brother and him, some arrangement is made for this end, he craves their protection for the present security of his person. The Lords grant him this until 30th April next.

"Another protectioun of the like tennour and nature grantit to John Aanna of Sorbie and Alexander Cunninghame of Powtoun for dealing with the Erle of Galloway anent his satisfioun till the last day of Februarie instant."

"The quhilk day Doctor Gellie comp苑and personnlie before the Counsell and being demanded what he knowes concerning anie disease or infirmitie of Marion Mure in Leith depons that ane nighbour of his awne callit Mure come to him and told him that ane aunt of hers dwelling in Leith wes visite with sickenesse and desired him to goe to Leith to visit her, and the depouner upon some necessar occasiouns not having tyme nor leasure to goe to Leith desired that the womanoulde come up to the toun, which she did. And the depouner having conferred with her sayes that he fand some symptomes of hypocondriack distractiou in her; and having advised her to make choise of some apothecarie to whom he would give his direction and advice what to prepare to her; but she being carelesse and negligent in that point the doctour medled no forder therein."
“The Lords ordains the bailleis of Leith with M' Alexander Persoun, M' David Prymros and M' John Sandelands, or anie twa of thame, to putt Marion Mure to the knowledge of ane assise and to confront her with Helene Hamilton and Mareoun Lumisdane before her death and to report upon Tuisday nixt.”

[Sederunt as recorded above.]

James Wright in Norestoun, comparring personally, enacted himself that on being released from the tolbooth of the Cannoigait he will keep the peace and molest none of the lieges, under the pane of banishment and the payment of 500 merks to parties grieved.

Complaint by Mr. Patrick Lindsay, Commissary of Brechin, as follows. —On 21st March last Isabel Mureton, spouse of Robert Cowie, citiener in Brechin, came to him on the Hie Street of Brechin as he was going to his lodging “and in the public mercat, quhilk at that tyme was verie frequent, shamefullie railed upon him, calling him mensworne dog, perjured theefe of all theeffe, condemned mensworne tyke, traitour to God and man, craving the heavie vengeance of God to be powred out upon him and all his, that the devill would take him both soul and bodie, threatening to ryve him in collop, to wash her hands in his heart blood and to burne him and all his hou. Quhilk imprescautions she redoubled in great furie and followed the compleaner to his lodging; and when he turned him about and desired her to goe home she despitefully spatt thrise on his face and railed upon him as of before; and he having entered his hou, she, accompanied with ane hundreth persons of the rascall multitude preast to have brokin up the doores and to have tane his lyfe, wer not they wer happilie stayed. And upon the morne
thereafter she come to Robert Finlasouns hous, opened the windowes thairof quhilks lookes to the compleaners yeard, where perceaving him she in great spite and malice renewed her former impraectious aganis the compleaner. Lykeas upon the twentie one of September last John Donaldsoun, citiner in Brechin, come to the compleaner upon the Hie Street as he was standing before his doore and said he wist not what held his hands bot he patt ane whinger throw him; and the compleaner having past into his hous he followed after him, threatening that the sunne sould not shine upon thame both bot he sould be revenged upon him. And in the moneths of Marche, Aprile, May, June and July last the said Isobell Muretoun, Robert Cowie, her spous, John Donaldsoun, William Burne, servitour to Walter Boneck, and John Qhuite, cordonner in Brechin, brake up the compleaners loodging, tooke furth his plenishing with ellevin yrne stanchells out of the windowes and yairds, hurt, woundit and bled the mauisons and wrights and other workmen, threatening that they sould make Fendrauchs hous of his lodging, brake up the doores thairof, take his lyfe and putt poysoun in the walls of the same.”

Charge having been given to these persons complained upon, and the pursuer compearing personallie, also the said Robert Cowie, John Donaldsoun, William Burne, and John Qhuite, and Robert Cowie producing a certificate signed by the minister and session of the kirk of Brechin that the said Isobell Muretoun, his wife, “is newlie deliyvered of her birth” and so cannot travel, the Lords, after hearing parties, and certain witnesses produced by the pursuer, and the oaths of verity of certain of the defenders, assoilzie all of them from every part of the complaint.

Supplication by Thomas, Earl of Hadintoun, and Thomas, Lord Binning, his son, as follows:—In the process between the late Earl of Lothian and Sir John Ker of Littledane, a large number of the evidents and writs of the lordship of Jedburgh were placed in the hands of Alexander, Master of Elphinstoun, who has had the keeping of them for several years past. As these writs now belong to the supplicants in respect of their claim and title to the said lordship it is not only necessary that they should have inspection of them, but have a perfect inventory of them, and also that the writs themselves be not given up till they be called and heard. They crave that their Lordships would give order accordingly; and this the Lords do, ordaining the said Master of Elphinstoun to give inspection of the said writs to the supplicants or such as they shall appoint, with a perfect and clear inventory of the same, and not to deliver up any of them to any person whatsoever until the supplicants be first warned and heard.

Supplication by James Crawfurdf, goldsmith, Burgess of Edinburgh, as follows:—James Persoun, as assignee of Robert Persoun, flesher in the Cannogait, his father, to a bond of 1000 merks and expenses (the justness of which debt is at present being considered by the Lords of
Session), ignoring the cautionries under which the supplicant has long lain and still lies on their behalf, have maliciously stolen him to the horn, and threaten him daily with caption, whereby they intend not only to disappoint him of his actions against them, but to disgrace him by imprisonment. He therefore craves their Lordships' warrant for the security of his person. The Lords ordain a macer of Council to pass and charge the said Robert and James Pursouen to compear on Tuesday next to hear the said protection granted or show cause why it should not; and meanwhile grant protection to the supplicant till 21st February instant.

CHARLES R., Right, etc. We doe send yow heere inclosed two cross petitions, the one conteanning ane charge of so barbarous oppression of the poore and the other so faire a professioun of innocencie as doe justlie deserve ane exact tryell and exemplary punishment of the delinquent. And becaus we can hardlie beleve that anie gentleman would so muche wrong himselfe as ather to committ suche ane ryot, or, havin done it, to pleade innocencie so confidentlie, nor, on the other part, that ane meane ane accuser durst without great ground of truth ye appeale to our justice and knowinlie incurre the punishment dew to so bold and malicious detachments, we thairfor have thought fitt to recommend to yow the tryell of both and the repairing and punishment of either as yow in justice sall find cause, willing and requiring yow to give unto the compleaner your protectioun against the horning, as he allidges, unjustlie led aganis him, and that for suche competent tyme as yow in your wisdoms sall thinke fitt; quhairin not doubting of your carefullnesse and conformitie to this our pleasure we bid yow farewell. Givin at our Court at Whitehall, this 18 of Februarie, 1632."

Sederunt—Privy Seal; Wintoun; Perth; Lauderdale; Bishop of Holyroodhouse, 21st February 1632.

Justice Clerk; Sir James Baillie.

"The Lords of Secret Counsell according to ane warrant and directioun in writ signed be the Kings Majestie and this day presented unto thame continews the tryell of the rentall of the Abbacie of Kelso till the fyftene day of Marche nixt. Followeth his Majestie's letter for warrant of the act abonewritten:—CHARLES R. Right trustie and right weillbelovit cousine and counsellour, right trustie and right weillbelovit cousines and counsellours, and right trustie and weillbelovit counsellours, we greit yow well. As we wer pleased to write unto yow of lait that our right trustie and right weillbelovit cousine and counsellour, the Erle of Roxburgh, could not (in regarde of occasiouns concerning our service) repair to that our kingdome before the fyftene day of this moneth of Februarie, so the verie same occasiouns being a reason unto us for his
further stay, our pleasure is that these busineses concerning him signified by our former letters be continewd till the 15 day of Marche nixth ensuwe, and to that effect that yow caus intymat this our pleasure to the Commissioners for Surrenders and to the committee appointed by yow for giving up a true rentall of the Abbacie of Kelso. Whiche recommending to your care, we bid yow fareweill. Frome our Court at Whitehall, the 8 day of Februarie, 1632."

The Lords of Secret Counsell in regard his Majestie hes continewd his intended voyage to this countrie at the tyme appointed, ordains and allowes his Majestieis Thesaurar and Deputie Thesaurar to dispose and sell the drinking beir and other provisioun for his Majestieis heerecoming to the best availl and advantage."

Holyrood House, 21st February 1632.

Complaint by Alexander, Master of Forbes, against William Forbes of Tolquhoun, whom he accuses of refusing to restore to him a coffer containing his principal writs in the keeping of William Forbes of Tolquhoun, who thereupon placed the same in the house of Tolquhoun, and the complainer gave the key of the said coffer to Sir George Johnestoun of Caskieben, so that these persons to whom he had entrusted his estate and living in his absence might have access to the said writs and use the same in defending him in any actions raised against him during his absence. He has now returned home to settle his affairs and must make use of his said writs and others concerning him for his Majesty's service; but while the Laird of Caskieben has delivered up the key of his said coffer, William Forbes "his undewtfull and unkynde kinsman" will on no wise deliver up his coffer; and by this means not only is his credite brought into question, but he has been reduced to great loss and expense for want of his writs, and he "is like to suffer infinitelie in his estatt" unless a remedy be provided. Charge having been given to the said William Forbes of Tolquhoun, and the pursuer appearing by William Dick, merchant burgess of Edinburgh, his procurator, and the defender personally comparing and having been heard, the Lords command the defender to produce the said coffer and writs therein before their Lordships upon the last Council day of March next.

Complaint by Alexander, Master of Forbes, against Sir George Johnestoun of Caskieben and others, whom he accuses of retaining certain rights and securites which he had Out of his affection to his Majesty's service he accepted employment under the King of Sweden and has served therein for the past eighteen months. "Fearing that in that service it might have pleased God to call him to his mercie from this mortall life he for the weale and standing of his houss made some rights and securites of his living to Sir George Johnestoun of Caskieben, William Forbes of Tolquhoun, Walter Forbes of Thanestoun, John Forbes of Balnegask, and John Forbes of
Gask, and to some one or moe of thame." On his return he desired and earnestly dealt with thame to repone him to his estate and living, and expected that they would have met him with the like kindness and courtesy as he had shown to them, but "they verie unthankfullie and unkynddelie, taking advantage of his said service and imploymont, quhilk will draw him from his native countrie to ane necessar attendance abroad and so disable him frome persewing his lawfull actiouns aganis thame before the Lords of Counsell and Sessioun, they have absolutedlee refusied his just and lawfull desire." He has therefore thought good to acquaint their Lordships therewith lest he should suffer thereby when necessarily abroad upon his Majesty's service. Charge having been given to the persons named, and the pursuer comparring by William Dick, merchant burgess of Ediniburgh, and the said Lairds of Caakieben, Tolquhoune and Balnagask comparring personally, and Walter Forbes comparring by Tolquhoune, but John Forbes of Gask not comparring, and parties having been heard, the Lords remit the matter to the Lords of Counsell and Session as the competent judges in the case.

The said day Mr. Robert Petrie as procurator for Isobel Simson, widow of Alexander Guthrie, Marchemont herald, and Walter Robertson, town clerk of Aberdein, produced letters raised against them at the instance of James Espline, now Marchemont herald, charging them to compair before their Lordships and produce the said Alexander's coat of arms in their custodie, so that it might be delivered up to the said James, and protested that as the said James has failed to appear, and they were ready to answer, nothing further should proceed in the case until they were cited anew and their expenses modified and paid to them. Which protest the Lords admitted.

Supplication by James Kennedie of Blairquhan, Josias Stewart of Bonytown, and William Stewart of Dunduff, their cautioner, as follows:

—The last protection granted to them expires on the last of this month, and they have satisfied a great many of their creditors, also "the mater quhairwith the Lords of Exchequer wer so long troubled betuix the Laird of Lee and thame is now closed and the writs and securitis drawin up, lykewise the Lords who had dealing in that busines caused the said Josias to send for the said Laird of Blairquhan and William Stewart, who ar come near to this burgh," so that it is necessary their protection be renewed. This therefore is humbly craved. The Lords grant their protection to them till 15th March next.

"A letter in favours of the Bishop of the Yles for calling the cheefe ylanders of his dioecie to thair ansuer upon thair barbatitie and not observing of the articles enjoyned unto thame for the interesse of religioun and civill policie, the resoloutioun quhairof continewd till this day eight dayes."

"A letter from his Majestie for ane protectioun to be grantit to Protection to the Laird of Wardes his cautioners upon the condeouts conteanit in the warrand grantit to Wardes."
Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Lauderdale; Acta Jan 1631-May 1632. Bishop of Dumblane; Iles; Melvill; Traquair; Advocate; Fol. 114, a. Justice Clerk; Sir James Baillie.

Letter from his Majesty confirming the privileges and liberties of the burgh of Edinburgh.

"The whilme day Alexander Clerk, provost of Edinburgh, accompanied with some of the bailleis thairof, comperied before the Lords of his Majesteis Privie Counsell and exhibite unto thame the missive letter underwrittin signed be the Kings Majestie and direct unto the saids Lords, quhilme letter being opened and read in the saids Lords thair audience, and they having considdert the nature and tenour of the same, they ordain the said letter to be insert and registrat in the booke of Privie Counsell and ane extract thairof to be deleyvered to the Lords of his Majesteis Counsell and Sessioune that they accordinglie may conforme thameselfes thereto, of the quhilme letter the tenour follows:—

CHARLES R. Right trustie and right weilbeliev cousine and counsellour, right trustie and weilbeliev cousines and counsellours, right trustie and weilbeliev counsellours and trustie and weilbeliev counsellours, we greit yow weil. Whereas we formerlie wrote unto yow tuaicheing our burgh of Edinburgh that they might injoy thair privileges and liberteis according to thair chartours granted and confirmed by diverse our royall progenitoris and conforme to sevair Acts of Parliament made thairupoun, and being willing in our tyme to approve what upon so warrantable grounds hath bee grantit unto thame, and having considdert thairwith the reall proofises they have givin both in the tyme of our lait royall father and our owne for advancing our service recommended unto thame, we do heriby speciallie recommend unto yow that in all suche causes concerning thair rights and privileges as come before yow they may have order given for settling thairof as our lawes doe allow with all convenient expediition. And in all things of that nature that ar judged before our collegie of justice or anie other judge competent that yow use your authoritie, in so farre as the nature of the caus sall require, for putting the same in executioun that they may freellie enjoy the saids rights and privileges in the accustomed maner, according to our pleasure formerlie signified to that purpose. Whiche recommending to your speciall care we bid yow farewell. Frome our Court at Whitehall, the nynt day of Februarie, 1632."


[Sederunt as recorded above.]

James Balfoure in Corshous, having "tane upon him the knowledge to"
discover persons guiltie of the crime of witchcraft by remarking of the devills marke upon some part of their bodis and thirsting of preis in the same, and upon the presumptioune of this his knowledge he goes ahort the countrie abusing simple and ignorant people for his privat gayne and commoditie,” and having been charged to appear this day before their Lordships “to have answered to suche things as soould be sperrit at him tuicheing his knowledge in the discoverie of the cryme foresaid and how and by what meane he he the same, and to have underlyne suche order as soould be tane thereaenent,” compaered personally. “Being demandit anent the ground, forme and order of his proceedings in the matter foresaid he depounded and declared that the first tyme that ever he knew the devills marke was upon occasioun of ane gairdners wife in Tranent, who being delate and suspect of witchcraft the depouner was required be Mr. Robert Balcanquall, minister at Tranent, to searche and secke the marke on her, whiche he fand on the arme and was acknowledged be her selfe to be the marke, and that by her tryell and sight of the lyke marke in others he come to the knowledge and discoverie of the said marke; and grants that he has usuallie beene imploied to searche and find out the said marke, and that he has uncovered sindrie persons in the sight of the people within the kirk and tolbuth for finding out the same marke.” The Lords, after advising, find “that the said James Balfour his knowledge in this mater hes onelie beene conjectural and most unlawfullie used within Gods kirk, and thairfow discharges him of all forder exercing of that art and trade in tyme comming as he will answer upon the contraries at his perrell.”

The which day Gilbert Kirkwod of Pilrig and Antonie Gosline, litster in the Cannogait, compaering personally, became cautioners in word of Pilrig and Antony Gosline, dyes in the Canon-gait, for Sampson de Grange, goldsmith at Londoun, that he will not in any way molest Nicolas Briot, chief graver of his Majestys Mint, during his remaining within this kingdom. Also the said Sampson de Grange, compaering personally, enacted himself to the same effect under the penalty of 2000 merks, and for the relief of his cautioners, and, further, under the same penalty, that upon his return to England he will renew this cautionry for the indemnity of the said Nicolas Briot according to the English laws, if he be required to do so.

The Lords prorogate and continuer their letters of recommendation granted to Mr. John Rattray, minister at Rattray, for collecting voluntary contribution from the whole estates, temporal and spiritual within the kingdom, beyond the Water of Tay, for building of the bridge of Erigh, for the space of another year from the date hereof; and they also extend the sphere of his operations by including the whole sheriffdom of Perth and stewartry of Stratherne, and the synods, presbyteries, and kirk-sessions thereof, and burghs, towns, villages and whole subjects therein.
Supplication by James Wylie, merchant burgess of Edinburgh, as
follows:—The protection granted to him by their Lordships for settling
with some few creditors expires upon the last day of this month, and he
has used the time for entering upon a solid and effectual course for
their satisfaction, which he hopes to perfect by the indrawing of his own
debts, if their Lordships will grant him a continuation. This he
accordingly craves, and the Lords grant him until 1st June next.

"The lyke protectioun grantit to Sir Johne Scot of Newburgh untill
the fytteine day of Marche nixt."

Supplication by John Kennedie, sometime of Blairquhan, and James
Kennedie of Crugiltoun, as follows:—Their Lordships have extended the
protection granted to Josias Stewart and James Kennedie, now of Blairquhan,
for settling with the supplicants "in that longsome proccesse quhilk they
had before the Excheker and quhilk is now closed" till 15th March
next, so that the securities may be perfected, and the supplicants' presence
is equally necessary, wherefore they crave the like continuation.
This the Lords grant.

"The lyke warrand and protectioun prorogat and continued to Johne Fol. 333, b.
Ahanna of Sorbie and Alexander Cuninghame of Powtoun till the said
fytten day of Marche nixt."

Complaint by Sir Thomas Hópe of Craighall, King's Advocate, and
Andrew Forbes at the Myyne of Clinterlie, as follows:—Though the
bearing of hagbuts and pistols has been prohibited by law, yet on
May last James Arbuthnet in Kinnudie and Mr. George Leslie in
Birsackmyyne, armed with swords, hagbuts and pistols and "with ane
pyper playing on ane great pype come under cloud and silence
of night be way of hainsuckin to the said Andrew Forbes
his dwelling houz of purpose and provision to have tane his lyfe,
rapped at the doores and preast to have brokin the same up; bot
not being able they come to the windowes quhair the compleanner
lay, strake in thereat with thair drawin swords, presented thair
pistolets and held in the great end of the pype to provoke
the compleanner to come furth; by quhilk forme of cariaghe the com-
pleanner's wife, being with childe, wes so affrighted that she become heavillie
sicke and at last parted with barne. And upon the day
of thereafter the said James Arbuthnet come ryding on horsebacke with
ane sword and paire of pistolets at thair belt towards the compleanners
dwelling houz of purpose to have slaine him. And now upon the
twenty two of Junij last the said James Arbuthnet and Mr. George
Leslie come boddin in maner foresaid be way of hainsuckin to the
compleanners said dwelling houz, entered within the same and in most
disgracefull maner offered to bryddill him; and he having opposed
himself to suche ane indigitie than they drew thair swords, strake out
ane great number of straikes at him therewith untill they brake thair sword,
and than the said James presentit ane pistole to his breast, quhairwith
he had not failed to have slaine the compleaner if some gentill weomen
had not cast their gownes upon the worke of the pistolet. And the
compleaners wife not being as yitt recovered of her sickenesse occa-
sioned upon the first assault, she wes by meanes of this last persute
cast into ane deidlie disease, of the quhilk she is not lyke to recover." 
Charge having been given to the said Mr. George Leslie and James 
Arbuthnot, and the pursuer compearing by Mr. James Baird, advocate,
but not the defenders, the Lords ordain them to be put to the horn and
escheat.

"The quhilk day George Baillie, ane of the bailleis of Leith, reported 
to the Counsell that Marioun Mure before her tryell, after the same and 
the tyme of her executioun, confess all that she has depouned aganis her
selfe and the other persons mentioneed in her dittay and that being 
confronted with Helene Hamiltoun and Marioun Iumisdene she avowed
all upon thame."

"The quhilk day a commissioun direct with a letter from his 
Majestie for trying of the persons guiltie of the burning of the houes of 
Fendraucht was produced in Counsell, whiche being considerit be the
Lords and they finding that the same conteanned a power to the Com-
mittee to tortour, whiche in regarde of the dangerous preparative that
the exemple thairof might afterwards produce the Lords thinks fitt
that [the commissioun be reformed] in that point; with power to the
commissioners to consider of the presumptions and evidences of the
parteiis guiltines and to report to the Counsell what they sall find
therein to the effect the Lords, according to the pregnancie of the prove
and merite of the caus, may give order for the tortour as they sall find
reason, and that a letter be writtin to his Majestie for this effect."

"Most sacred Soverane, We receaved your Majestie letter with the
commissioun therein inclusend concerning the burning of the houes of 
Fendraucht, quherein how ever we acknowledge your Majestie prudence
and care in the worthie choice of a wise committie, yitt when we
consider the power of tortouring committed unto thame we cannot in
dewtie forbeare humbelie to represent to your Majestie our faithful
opiniouns concerning the same as being derogatorie to the auctoritie of
the Counsell to whome the power of tortouring is dewlie proper quhairwith
the supreme judicatoureis of this k ingdome ar onelie intrusted and which
by the lawes of the same cannot be communicat to a selected number;
in whiche regarde and for avoiding the dangerous preparative that the
exemple thairof may afterwards produce we have thought good thus to
qualifie the power of the commissioun ordaining the committie to report
to the Counsell what they sall find in the tryell to the effect the Counsell,
after consideration of the evidences and proffes thairof, may give
warrand to the committie to procede to the tortour, quhairin we assure
your Majestie that nothing sall be wanting in us that may further the

1 Torn; but probably the words wanting are as supplied in brackets,
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discoverie of that haynous cryme in a faire and legall maner. We have heerewith sent up the commissioun to be passed your Majesteis owne hand as being more requisite than the casket for so important a businesse, whiche with our faithfull opinioon concerning the same we humbliie submitt to your Majesteis wise consideratioun, praying God to blesse, etc. Halyrudsous 23 February 1632. Subscrìbitur, Dupline, Hadintoun, Wintoun, Landerdaill, Dumblane, Iles, Traquair, St Thomas Hop, S. G. Elphinstoun.

Sederunt—Privy Seal; Galloway; Landerdaill; Melvill; Carnegie; Traquair; Dumblane; Iles; Advocate; Justice Clerk.

Trial of Lord Ochiltree post-poned till 14th March ensuing.

“The Lords of Secret Counsell upon good respects and considerations moving thame ordains and commands his Majesteis Justice, Justice Clerk and their deputs to prorogat and continew the dyet appointed for the tryell of James, Lord Uchlitrie, upon the crymes whairof he is accused before thame untill the fourteeene day of Marche nixt, whereman the extract of this act sall be to thame ane warrand.”

“The whille day M’ David Wedderburne, schoolemaistre at Aberdein, gave in to the Lords of Privie Counsell his answeres to the objectiouns made be M’ Robert Williamsone, schoolemaistre at Couper, agains the said M’ David his grammar, whiche wer given up to the said M’ Robert to reply thereto upon Thursday nixt.”

[Sederunt as recorded above.]

Complaint by Helen Hamilton, widow, in Leith, as follows:—Their Lordships have heard how that the baron-bailie of Brouchtoun, “assisted in counsell, advice and diectioun of M’ David Forrester, minister at Leith,” unwarrantably put her “to the extremest tortour that they could devise, laying her fast in the stockes and in twa gades of yrne of 24 stone weight, putting chekellis of yrne upon her armes and binding her craig and legs togidder with yrne chains till the flesh was wore clean aff the bones, and in the extremitie of this tortour they extorted frome her false and untrew depositiouns agains honest women in Leith aganis whom she had no ground to depone anie thing and her paines in the tortour wer so extreme that she would deny nothing but would have fallin in ane fearefull blasphemie that God was not in heaven if suche ane point had beene demanded of him” [sic]. Upon her complaint to them, their Lordships, after hearing the said bailie and minister, ordered her “to be releeed of the stockes and yrnes and kepeed in free waird.” At this the said bailie and minister have taken such ofence that they have resolved by all indirect means to procure her overthrow, enticing such as they have power over to give in charges against her; and since she has been sent back to the tolbooth they have kept her a close
prisoner, suffering neither friend nor stranger to have access to her, "quhilk is ane great inhumanitie in the persoun of a minister." Charge having been given to the said baron-bailie and Mr. David Forrester, and the pursuer and defenders compearing personally, the latter "grantit and confess the committing of the said persewer, laying her in the stockes and putting of shekellis on her legges, and that they wer in use to doe the same of before and wes commounlie practised in the king-
done." The Lords find "that the said minister hes done heerin aganis the dewtie of his office and admonishes him to forbeare to meddle in suche businesse heerafter; and siclyke finds that the baron-bailie, being ane privat man, hes committed ane verie great wrong in ministring the torment without power or commiission," and they commit him to ward within the tolbooth of Edinburgh until they release him. They further ordain him to pay £20 to the complainer's son in satisfaction of the expenses incurred by him in this matter, and the pursuer to be put to her trial before such indifferent judges as the Baron of Brouchtoun shall appoint.

"A missive frome his Majestie for prorogating the Parliament to the 13 of August nixt that it may be prorogated from that tyme till the 18 day of Junij the nixt yeere or otherwayes, remitting to the Counsell the prorogating of it presentlie to the 18 of Junij. Continues the reso-
lution till Thursday that the Chancellor be present."

"The Lords appointes the sevint of Marche nixt for the tryell of Helene Hamiltoun and the nynt for the tryell of Marioun Lumisden before suche judges as sall be appointed be the Erle of Roxburgh as Baroun of Brouchtoun or suche as his commissioners sall delegat for that effect."

"The whilk day Mr Robert Williamsoun, schoolemaister at Couper, gave answer Mr. D. Wedderburn's Latin in to the Lords of Privie Counsell his replies to the answers made be Mr. David Wedderburne aganis the objectious givin in be the said Mr. Robert aganis the said Mr. David his grammar; whiche togidder with the said grammar and the observatiouns and objectious givin in thereanent the Lords recommends to the Bishop of Dumblane, Sir John Scot, Sir Thomas Hendersone of Chesters, Mr. Andro Ramsay, Mr. Johne Adamesoun, Mr. Patrik Nisbit, Doctour Sibbalde, and Mr Robert Burnets, elder and younger, or anie foure of thame, whome the Lords authorizes with power to peruse and consider the said grammar and what is fitting to be rectified and amended therein, and to report their judgements to the saids Lords concerning the same upon the twentie twa day of Marche instant."

Sederunt—Privy Seal; Gallouay; Lauderdaleil; Melvill; Carnegie; Holyrood Traquair; Bishop of Dumblane; Bishop of the Yles; Clerk Register; Advocate; Justice Clerk.
Certain conveyors of the sub-commissioners and their clerks to be put to the horn.

"Forsamekle as Alexander Hamiltoun of Binnie, conveyer of the sub-commissioners of the presbytery of Linlithgow, and Robert Ker, his clerk, David Muschett, conveyer of the sub-commissioners of the presbytery of Dumblane, Mr James Neving, their clerk, Thomas Blair of Batheyock, conveyer of the sub-commissioners of the presbytery of Perth, Alexander Inglis, their clerk, Sibbald of Rankellour, conveyer of the sub-commissioners of the presbytery of Cowper in Fyffe, Sir James Pringill of Galloscheillis, conveyer of the sub-commissioners of the presbytery of Melros, William Douglas of Bonjedburgh, conveyer of the sub-commissioners of the presbytery of Jedburgh, and William Ruthurerfe, their clerk, William Mure of Glanderstoun, conveyer of the sub-commissioners of the presbytery . . . . and Alexander Sempill, their clerk, Archibald Hamilton of Halcraig, conveyer of the sub-commissioners of the presbytery of Lanerk, and James Hamiltoun, their clerk, and Johne Ahanna of Sorbie, conveyer of the sub-commissioners of the presbytery of Wigtoun, being charged to have conpeired personalie before the Commissioners for the Surrenders and Teinds upon the last day of Februarie now bygane and to have brought and produced with thame ane formall report in writ of their diligence in the executioun of the sub-commissioun grantit unto thame, under the pane of rebelliuon and putting of thame to the horne, with certification to thame and they faiyied that report sould be made of their disobedience to the Lords of Privie Counsell by whome letters sould be direct to denounce thame rebellis and putt thame to the horne, lykaes at mair lenth is conteanit in the letters execute aganis thame, executiouns and indorsations thairof: Qh'ilks being callit before the saids Commissioners the said last day of Februarie and the saids conveyers and their clerks not compeirand nor no report of thair diligence being produced be thame selfes nor no others in their name, and report being this day made to the Lords of Privie Counsell of thair disobedience, thairfuir the saids Lords ordains officiers of armes to pas and denunce the conveyers of the sub-commissioners within the presbyteries abonewrittin and thair saids clerkes our soverane Lords rebells, and putt thame to the horne and to escheit."

"The Lords of Secret Counsell, considerdng that Johne and Androw Littils wer committed to warid within the tolbuith of Edinburgh upon occasioun of certane presumptiouns givin in aganis thame and grounded upon the depositiouns of witnesses produced for cleering of the burning of Mr David Leitch, minister, his hous, thairfuir the saids Lords finds that the saids persons hes beene lawfullie warded upon good ground proceeding frome thair awin contradictiouns and the depositionis before mentioneud."

[Sederunt as recorded above.]
reporting his diligence in proving Duncan Weirdie, sheriff officer of Stirlin, to have summoned a number of people before the Council for deforning him in the execution of his office and thereafter conoping with them, he having enacted himself to do so. Payment is delayed until the first Council day of June, as John Grahame, servitor to the Earl of Montrose, has become caution in £100 for his compearsance that day, when they ordain John Robesoun to report his diligence and probacion foresaid.

Complaint by Duncan Forbes, burgess of Inverness, as follows:—Although all single combats and directing of challenges and cartels for that effect are very strictly prohibited and discharged, yet on January last Donald Fraser in Kinmyleis came to him as he was walking alone and unarmed on his own lands of Bucht, "and first entered in an direct challenge aganis the compleaner threatening if he durst for his harnes fight him, and after manie opprobrious speecches he disgracefullie gave the compleaner the see and than preest to his sword and had not failed to have slaine him therewith, wer not some persouns present stayed him." He then "vowed at his first meting with the compleaner to take his life." Both pursuer and defender compearing, and they and certain witnesses having been heard, the Lords assoilzie the defender.

Complaint by Duncan Forbes, burgess of Inverness, heritable proprietor of the lands of Bucht, within the sheriffdom of Inverness, as follows:—By virtue of their rights and securities, the compleaner and his predecessors and authours have peaceably possessed the said lands for many years past, and their possession thereof has never been challenged until lately that Hew, Master of Lovat, pretending some right to them, endeavoured by "way of deid, bangsterie and oppresioun to debarre and seclude the compleaner thairfra and to appropriet the same to himselfe." Accompanied by Donald Fraser in Kinmyleis and others, to the number of twenty persons, armed with swords, darlochs and other weapons, he came on 1st December last to the said lands, violently broke up the doors of the houses of the compleaner's servants, John Dollas and William Simpsoun, and entering therein "rave doun the gavillis thairof to the ground," the said master to encourge his accomplices therein saying that "he would take the first cast himselfe, and so he did and the rest followed." When they had "spoyled and brokin the timber and pleining of the houses they kust paire thairfo to the greene and intromettid with the rest to thair awin use. And when as the compleaner came to know what the mater meant and entered within his houses the said Maister commandit him to goe to the doore, otherways he would put him thereto upon his face, and forced him to depart for just feare of his lyfe." The said Master then entered the said Donald in possession of them. Charge having been given to the said Master of Lovat and Donald Fraser, and the said Master appearing by Lord Lovat, his father, and Donald Fraser and the pursuer compearing personally,
the Lords, after hearing parties, remit the complaint to the Lords of
Decrets, March 1631.
Counsell and Sessioun, reserving to themselves the trial of the alleged
riot after the right is discussed in the pursuer's favour; and they
appoint Duncan Forbes to pay to each of the witnesses adduced, being
footmen, the sum of ten merks.

Complaint by George Ker of Newhall, servitor to the Earl of Roxburgh,
as follows:—He is due certain sums to John and Robert Ker in Dudding-
stoun, and being willing to satisfy their claims had several meetings with
them at their desire. At one of these at Fala they, with mutual consent,
nominated the Laird of Duddingstoun to deal for them, and the complainer
ominated Mr. William Bennett, parson of Ancrum, to deal for him,
who were to meet in the matter on the last day of February in the Earl
of Roxburgh's chamber in Edinburgh. Accordingly the complainer
caused the said Mr. William come to Edinburgh that day and wrote to
his said creditors to keep the diet, when they replied that they would do
so "about four hours" and promising him assurance. After long
conference his creditors departed, and he expected that they would have
dealt uprightly with him in terms of their assurance under the hand of
the said Robert Ker; but instead of this "they most fraudulentlie and
treacherouslie circumveened him in so far as all the tyme of the treatie
they had ane messinger with some of the town officiars waiting at the
staire foote who, how soone the compleiner come down, seazed upon his
persoun at thair command and directioun, and harled him to the tolbuith
of Edinburgh, where he yitt is for the present." The pursuer compearing
by James Steill, his procurator, who produced a letter written by
the said Robert Ker to the said George of the tenor libelled, and the
defenders being personally present and acknowledging the letter, and Fol. 335, b.
further consenting to the said George obtaining his freedom, the Lords
find that the said George Ker has been unlawfully taken under trust,
and command the provost and bailies of Edinburgh to liberate him in
so far as he is warded at the instance of the defenders.

Sedent—Chancellor; Privy Seal; Murrey; Gallouay: Lauder-
Acta January
daill; Bishop of Dumblane; Bishop of the Yles; Melvill ;
1632. Carnegie; Clerk Register; Justice Clerk.

Act of Council, "The whilk day the missive letter underwrittin, signed be the Kings
Majestie and directed to the Lords and others of his Majestie Privie
Counsell, being presented to the saids Lords and read in thair audience,
and they having at lenth consideririt of the said letter and reference
therein conteanit tuicheing the dyet to be appointed for prorogation of
the high court of Parliament, they have found it more meit and expedient
that the said Parliament sall be prorogat to the 18 day of Junij in the
yeere of God, 1633 yeeres, nor to the 13 day of August nixt, and
thairfoir ordains the Commissioners for the Parliament to prorogat and
continew the said Parliament till the 18 day of June in the yeere foresaid, for doing whairof this present act sall be unto thame ane warrant. Followes his Majestie missive for warrant of the act abowritin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we greit yow weill. Whereas we had determined to reipaire to that our ancient kingdom this next sommer, whiche as we had of a long time extremelie desired, so we had at the said tyme most certaelie resolved so to doe; but now in regarde of some lait considerations speciallie concerning forraine affaires;1 the estait whereof is sufficientlie knowne to be verie considerable at this tyme, we ar indued to continue our comming till the next yeere, at whiche tyme, God willing, we sall not faile to come; and for that effect we have presentlie caused provide all things necessarie as we wer presentlie to goe. And as for our Parliament there we have sent yow warrant herewith to prorogat the same till the 13 of August nixt that it may be prorogat frome that tyme till the certene tyme that we ar to reipaire thither unless yow sall thinke it more fitt to prorogat it presentlie at the first till the said tyme; and in that case we will and doe authorize our Commissioners for the Parliament heيري to prorogat the same till the 18 day of June the nixt yeere. But remitting the doing of the one and the other to yow as yow sall thinke most fitt, we bid yow farewell. Frome our Court at Whitehall, the 15 day of Februarie 1632."

"The Lords allowes of the nomination made in behalfe of the Erle of Roxbrugh of Mr David Prymerois, Mr Alexander Persoun, and Johne Dunlop or anie twa of thame, to be judges to the tryell of Helene Hamilton and Marioun Lumisden who ar delate and accused of witch-craft, and ordains the said Helene to be putt to her tryell upon Mononaday nixt, and the said Marioun Lumisden upon Mononaday there-after following."

"Forsameekle as the conferring of honours and titles of dignitie upon Charge to Sir William Ker of Blakehope, a knight, to appear before the Councill anent his usurping the title of his deceased Sir William Ker of Blakehope, knight, brother to the lait Erle of Blakehope, with Gustavus Adolphus, Richelieu, and Spain England, VII., 187 et seq. for the restoration of the Palatinate to his brother-in-law, Frederich.—Gardiner, Hist. of the restoration of the Palatinate to his brother-in-law, Frederich.—Gardiner, Hist. of
Lothiane, hes without his Majesteis allowance or auctoritie and without proceeding by course of law to impugne the right of his brothers eldest daughter and her husband, usurped upon him and assumed to himself the title of Erle of Lothiane, altho his said brother, daughter and her husband have procedit orderlie in the right of the said lait Erle by the letters patent grantit unto him by his Majesteis lait royall father of blessed memory, whiche his Majestie hes seene and considdret and hes procedit therein as his Majestie hes thought just and fitt. And chairfoir the Lords of Secreit Counsell, according to his Majesteis warrand and directioin in writ sent unto thame, ordains letters to be direct to command, charge and inhibitte the said Sir William, his sonne and successours and his brethren and their childrein, personallie if they can be apprehendit, and fallyeing thairof at their dwelling places if they anie have, and by opin proclamationiun at the mercat croce of Edinburgh and others places neidfull, that they in no wayes presoome nor take upon hand to take upon thame anie title of nobilitie whiche belonged to the said lait Erle or usurpe anie place or prerogative thereby without his Majesteis licence and without the said Sir William doe first by dew course of law evict the same as just and belonging to him; as alsa to command, charge and inhibitte all his Majesteis lieges that none of thame presoome to give unto the said Sir William and his foresaids suche titles heerafter under all highest panes that by course of law may be inflicted upon the dissobeyers for their contempt. And the saids Lords ordains his Majesteis Advocat to libell ane summouns aganis the said Sir William and to caus charge him to compeir before thame to answer upon his proud contempt by usurping the said title upon him. Followes his Majesteis missive for warrand of the act abonewritten:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we gretit yow weill. Being informed that Sir William Ker of Blakeshope, knight, brother to the lait Erle of Lothiane, taketh upon him the title of the Erle of Lothiane without our leave and auctoritie or without proceeding by course of law to defeate the right of his said brothers eldest daughter and her husband, who have procedit more orderlie in the right of the said Erle by the letters patent grantit unto him by our lait royall father which we have seene and considdret and have procedit therein as we thought just and fitt, our pleasure is that yow call the said Sir William before yow and having reprehended him for taking upon him the said title without warrand frome us that yow charge him in our name that he presoome not heerafter to take upon him anie title of nobilitie whiche did belong to his said brother or to take anie place or prerogative thereby without our licence; requiring yow to make this knowne in suche sort at the Counsell boord that if he be absent himselfe it may come to his know-

1 See ante, p. 418.
Acta January 1631-May 1632.
Fol. 116, b.

ledge; and that yow caus make ane act of Counsell for discharging him, his soone and his successours and his breethein and thair childrein to use anie of the titles of the lait Erle without the said Sir William doe first by daw course of law evict the same as justly belonging to him; that our subjects may be warned not to give to him or anie of thame suche title heerafter bot unto suche upon whome by our letters patents we have conferred the same. So we bid yow farewell. Frome our Court at Whitehall, the nyneteine day of Febrarie, 1632."

"The whilk day in presence of the Lords of Secret Counsell com-
ppeir personallie William Forbes of Tolquhon and brought and exhibite
before the saids Lords ane little coffer wherein some evidents and writts
pertaining to the Maister of Forbes wer conteanit, and that for obedienc
of ane act whereby the said William was obleisit for exhibiution of the
said coffer, of the whilk coffer Williamick Dick, merchant burges of Edin-
burgh, hes the key in keeping; lykeas Mr Johnie Dick, sonne to the said
William, compeirand personallie before the saids Lords in name of the
said Maister of Forbes and of his said father, promeis in name of his
said father to delvery the key of the coffer to the Clerk of his Majesteis
Counsell, whome the saids Lords ordains to opin the said coffer and to
inventar the writts being within the same to the intent the saids writts
may be made furthcummand to partieis having interessee thereto as
accords of the law."

[Sederunt as recorded above.]

Complaint by John, Lord Areeskine, as follows:—He has at great expense
brought a number of strangers, "skilled and expert men in tanning of
leadder, to instruct the tanners and barkers of leadder within this
kingdome in the right forme of tanning thair leadder," and a great many
of "the best and most skilfull tanners of this kingdome, acknowledging
thair awne ignorance and want of skill of that trade hes most willinglie
and gladelie embraced this reformatioun."

But some of the most
ignorant in that trade—viz., William Petrie in Elgine, Alexander Inneis,
Donald Johnestoun, William Wilsoun, and George Kay there, oppose this
reformation, refuse to receive instruction, will not suffer their hides to lie
in the pots the prescribled time, but take them out and present them to
the market raw, in contempt of the ordinances and statutes made here-
ament. Charge having been given to the persons named, and the pursuer
appearing by John Wardlaw, his procurator, but not the defenders, the
Lords ordain them to be put to the horn and esceheat.

Complaint by Thomas Kirkpatrik of Closburne, as follows:—During
the period of the protections granted to him by their Lordships he has
satisfied his creditors to the extent of over 13000 merks, and paid the
interests of all due up to Whitsunday next. He is most willing to
satisfy them all if his protection were extended. Charge having been
given to Thomas Greirsoun of Barjarge, Thomas Gilchrist there, Gilbert Mulligane in Overholme, John Dalrumpell of Watirsid, James Maxwell of Tinwald, Marke Gledstains, servitor to Lady Hereis, and William Kirkpatrick called of Cars, to compear and see a new warrant granted to the complainer, or object if they saw cause; and the pursuer appearing by William Hereis, indweller in Edinburgh, but none of the defenders, the Lords continue his protection against all hornings and captions at the instance of any of the defenders only until the term of "Lambmesse" next.

"The warrant grantit to Josias Stewart of Ravingston, James Kennedie of Blairquhan, and William Stewart of Dunduff, prorogat to the twentie twa of Marche instant."

Patrick Dickson, late servitor to the Earl of Angus, compearing personally, enacted himself under the penalty of £1000 that before the first Council day of June next he will give obedience to the Kirk and procure himself absolved from the process of excommunication, and failing thereof, that he will appear before the Council that day and underlie their further direction in this matter; and further, in the like penalty, that he will meanwhile live without scandal, repair to the kirk, confer with the Bishops of St Andrewes, Dumblane and the Iles, or such ministers as they may appoint for his instruction and resolution in the doubts of his religion, and not reset priests or jesuits.

Complaint by Gilbert Watsoun in Tuxstoun, Alexander Watsoun, his son, and George Gordoun, younger of Geicht, their master, as follows:—

On October last, "being Hallow even, William Cheyne, in Carnbanno, come be way of hamesuckin to the said Gilbert’s hous, searched and sought him up and doun the same of purpose to have tane his lyfe, and, missing him, they come to his lands where he and his said sonne were halding their pleuche, and er ever he was awar strake the said Gilbert throw the bodie with ane sword at the right pape and hurt and woundit him and his said sonne in diverse others part of their bodeis, to the effusion of their blood and perrell of their lyfes, and left thame for deid."

The said Laird of Geicht compearing for himself and the other pursuers, and the defender also compearing, and admitting the charge of hurting and wounding the said Gilbert, the Lords fine him in the sum of £100, to be paid to the said Gilbert, and ordain him to be warded within the tolbooth of Edinburgh until he make payment thereof.

Sederunt—Chancellor; Preses; Linlithgow; Lauderdale; Air; Lorne; Bishop of Dumblane; Bishop of the Isles; Melville; Traquair; Advocate; Justice Clerk; Sir John Scott.

Trial of Lord Ochiltree postponed till the second Wednesday of June, the dyet appointed for the tryell of James, Lord Uchiltrie, till the second following.
Wednesday of Junij nixtoome, ordaining his Majestis said Justice and his deputs the tyme of the said Lord Uchitrieb his appearance before thame to require him to propone what further he hes to say in his awne defence, remitting always to his Majestis said Justice to appoint in the meane tyme particular dyets for that effect and for his Majestis Advocat his answers to be made thereto. And ordains his Majestis said Justice and his foresaids to advise the whole processe and to report to the Counsell what difficultis they shall finde tuiching the relevane of the ditty upon the twenti twa of this instant, to the effect, the samine being discust be advice of the Counsell, his Majestis Justice may proceid the said second Wednesday of Junij nixt to the pronuncing of interloquout and ministring of justice in the caus.'

[Sederunt as recorded above.]

Supplication by Hector M'Claine, apparent of Dowart, Lachlan M'Claine of Coill, and John Garrow M'Eane in Knockindwy, as follows:—Their Lordships have assigned the 22nd instant for their compearsance to answer to a complaint against them by Sir Lachlan M'Claine of Morverne, and they are most willing to do so, and not only sufficiently able to clear themselves, but also to verify greater oppressions and circumventions used by the said Sir Lachlan against the said Hector. They are informed, however, that he or others at his instigation intend to trouble them and imprison them on the ground of some old debts which have been paid but of which they have not the discharges here, and so they crave their Lordships' protection for some space that they may in safety attend upon the said matter. The Lords grant their protection to them for five days before and five days after their appearance therein.

Supplication by James Kennedie of Crugiltoun and John Kennedie, sometime of Blairquhan, as follows:—The protection granted to them for settling with Josias Stewart expires on Thursday next, and their Lordships have extended his protection until the 22nd. They crave that their protection may be extended until the last day of March instant, and this the Lords grant.

"The lyke warrand continuwed to John Ahanna of Sorbie and Alexander Cuninghame of Poutoun till the tent of Aprile."

Complaint by the Rector, principal masters and other "founded persons of the new College of St Andrewes," as follows:—On 20th March 1628, Thomas Lyell in Murehill, was put to the horn at their instance for not paying them £180 Scots as the tack duty of certain lands he holds from them, with 100 merks of expenses, from the year 1620, which is the first year of his tack. Further, on 17th August, 1630, John Ogilvie of Inschewane, Katherine Ogilvie, his mother, David Beatoun, then her spouse, George Lamb in Cairnfachie, and James Can...
in Kynnaltie, were put to the horne at the instance of the complainers for not paying the teind sheaves of their lands. Against these persons they have used all legal process, but can by no means prevail, and so the complainers are frustrated of the provision and maintenance due by the foundation of their College from the said persons, and are constrained to use their own means. They will be forced to leave their places and services in that College, and it is scarcely probable that any will be found to undertake the same without hope of maintenance and means to live there, unless the Lords of Council provide a remedy against those persons who dwell at peace in the country and uplift the rents to their own use. Charge having been given to the said John Ogilvie, James Cant, Thomas Lyell and George Lamb, and the pursuers compearing by Alexander Balmano, their procurator, but the defenders not appearing, the Lords ordain them to be charged by letters of treason to enter their persons in ward within the castle of Blackness, and there remain upon their own expenses until released, and they and the havers of their houses to render the same to the herald or pursuivant who shall execute the letters, within six days after being charged thereto, wherein if they fail, the process and doom of forfeiture shall be led against them.

"CHARLES, Right, etc. Being informed that diverse persons have committed great abuses in the Torwod by cutting of trees and killing of our deir there and otherways, haveing taken occasion to doe the same in regarde of the absence of Sir James Foster, knight, from thence who would oversee the same, and being desirous that a strict course may be taken for the better preservatioun thearoff heereafter it is our pleasure that youw grant a commissioun to Margaret and Marie Forresteres, daughters to the said Sir James, with concourse of our Advocaet for thair better assistance and our interesse, to persew the delinquents according to the lawes of that our kingdome before quhatsomever judge or judicatorie competent, and that youw be readie therein to give your best assistance when it sall be desired; and in consideration of the great charges the saids Margaret and Marie ar to be at, our pleasure lykewise is that youw caus delyver to thame all fynes, amerciaments and quhatsoever ellis is to be takin from the saids transgressours for the tyme bygane to their owne use; and for your so doing these presente sall be unto youw a sufficient warrant. Frome our Court at Newmarket, the 14 day of Marche, 1632."

Sederunt—Chancellor; Preses; Privy Seal; Wintoun; Linlithgow; Wigtoun; Roxburgh; Galloway; Lauderdale; Air; Bishop of Dumblane; Bishop of the Yles; Lord Lorne; Lord Melvill; Lord Carnegie, Tracquair; Clerk Register; Justice Clerk; Sir John Scot; Sir James Baillie.
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"The Lords of Secret Counsell ordains Francis Steuart, sonne to the lait Erle Bothuell, who was personallie present, to deliever to the Clerk of Counsell the morne at nyne of the clocke in the morning ane rentall of the Erledome of Bothuell and Abbacie of Kelso, subscribed with his hand, to be givin up to the Erle of Roxburgh and Bucleuche, whome the Lords assignes Tuesdays nixt for objecting againis the said rentall and giving in of new rentalls subscribe with their hands, everie ane for their parts, whairof intimation was made to the said Erle of Roxburgh, who was personallie present, and to Laurence Scot in name of the Erle of Bucleuche, whois absence was excused in respect of his knowe indispositioun and sickenesse."

[Sederunt as recorded above.]

Complaint by John Hamiltoun of Stainhous, and William Hamiltoun, notary, his son, as follows:—They have good and undoubted right to the Mill of Staikfurde with "the unfre and astricted multures thairof dammes, water ganges, parts and pendicles of the same," whither the "haill oastlers and others changers and inhabitants of the toun of Dumfreis wer in use to come for grinding of their malt, meal, peis and uther stuffe thair yeeres bygane," and these persons are under agreement with the complainers so to do, as they have done so long and are still willing to do. But lately James Maxwell, messenger, Adam Sturgeon of Troqueir, Thomas Maxwell, bailie of Dumfreis, and James Newell, smith there, at the command and direction of the provost and bailies of Dumfreis, have begun maliciously to trouble the said persons who come to the complainers' mill, threatening them with all manner of violence if they go to it with their stuff, and for this effect the said provost and bailies in October, 1631, by proclamation at their market cross and by tuck of drum throughout their whole town, discharged all their inhabitants, free and unfree, from taking their stuff to the said mill under a penalty of £10 for the first fault, £20 for the second, and so on, doubing the same toties quoties. Also on when John Blacklock in Dumfreis, who is one of the persons under the said agreement, was coming with his servants to the said mill with a load of malt, the said James Newell and Robert Maisoun, his servant, apprehended "the honest man and his hors with the malt and forced thame to goe to ane mylne callit the Bedmill where they keeped and deteanned him ane long space." Further, after the foresaid unlawfull discharge by tuck of drum, the persons foresaid directed a number of their inhabitants with horses to the complainers' said mill to surprise the same and carry away certain malt belonging to several inhabitants of Dumfreis which was there to be ground for their use. By these oppressions the said mill is like to become unprofitable to the complainers, and their agreement foresaid nullified, to their heavy hurt and prejudice. Charge
having been given to Mr. John Corsane, provost; Thomas Maxwell, John Craik and Robert Richartsoun, bailies, Andrew [sic] Sturgeoun of Troqueir, James Newall and James Maxwell, and the said William Hamilton, appearing for himself and his father, and Mr. John Corsane for himself and the other defenders, the Lords, after hearing parties, remit the case to the Lords of Council and Sessioun as the proper judges in such a matter.

The Lords, having read and considered a letter from John, Archbishop of St Andrewes, to Adam, Bishop of Dumblane, consenting to a further prorogation to Thomas Gordoun, brother of James Gordoun of Letterfourie, for his conforming to the religion presently professed, and knowing the said Archbishop’s “good dispositioune to use all faire and lawfull meanes to reclaim the said Thomas fra his erreours to the acknowledge-ment of the truthe,” continue the warrant granted to him on 22nd November last for this purpose until 26th July next, upon condition that no further prorogation be granted to him hereafter for this cause. And the said Thomas, compairing personally, enacted himself under the penalty of 1000 merks to “enter in conference with his ordinar pastour betuix and the 15 day of Aprile nixto come, and that he salt continue and heare conference twise in the weeke, if he be required, be the space of sax wekees.” If during that time he cannot be moved to repair to the kirk for hearing of the Word, then he shall appear before the Council on the said 26th of July and underlie their further will and pleasure; and in the meantime he undertakes to carry himself modestly and soberly without giving occasion of offence or scandal to the Kirk.

“A missive to be writtin in favours of Lochinvar.”

Sederunt—Preses; Privy Seal; Linlithgow; Wintoun; Wigtoun; Roxburgh; Buccleuche; Galloway; Lauderdaill; Air; Bishop of Dumblane; Lord Lorne; Lord Melvill; Lord Carnegie; Lord Tracquair; Clerk Register; Advocate.

The Laird of Lochinvar.

Holyrood House, 20th March 1632.

Case of Francis Stewart and the Earldom of Bothwell.

The quhilk day the Erles of Roxburgh and Buccleuche compairand personallie before the Lords of Privie Counsell produced the rentall of the lands possett be thame of the Erledom of Bothuell and Abbacie of Kelso subcryved with their hands, togidder with their anwseres and objectionis agenis the rentall givin in be Francis Stewart, who was present and whome the Lords ordains to give in his replyes thereto upon Thursday nixt.”

“The whilk day the provest and bailleis of Edinburgh, assisted with some of the town counsell, compairand personallie before the Lords of Privie Counsell declared that they wer of purpose and intentioun for the ease and conveniencie of the Estates and credite of the kingdome to build and raise ane Parliament hous and Counsel hous and Session hous, and thairfoir desired the saids Lords to assist thame with their best
advice and direction both anent the contriving of the house and choice of the place where the same shall be seated. The Lords after hearing and consideration of the business allowed of the proposition and gave thame heartie thanks for so worthie an offer tending so muche to the credite of the kingdome; assuring thame that they would not be wanting to further and assist the bussines, by thair best advice whenever the toune shall draw the platt and modell of the hous and consult the Lords tuicheing the fabricke and manner of contrivance of the same."

"The Lords of Secret Counsell understanding of the great appearance of trouble lyke to fall out betuix Francis Durhame of Duntarvie, on the one part, and David Dundas, sonne to John Dundas of Newliston, on the other part, which will not fail to produce other inconveniences to the break of his Majesties peace without remeidy be provydyt; thairfor the saide Lords ordains letters to be direct charging both the saide partes to compear personallie before the saide Lords upoun the 29 day of March instant to underly suche course and order as shall be tane with thame tuicheing the peace and quyntnes of the countrie, under the pane of rebellioun, eee., with certificatyon, eee.; and in the meane tym to command, charge and inhibite the saide partes that none of thame presoome nor take upon hand to invade, persee, trouble and molest one another for whatsoever deid, caus or occasioun, otherways nor be order of law and justice, either of thame under the pane of three thousand merkes; certifieing thame that faileis that they shall be decerned to have incurred and to incure the said pane of three thousand merkes; and letters and executorialls shall be direct aganis thame for payment thairof in forme as effeiria."

"The quhilk day Williame Forbes of Tolquhoun, compeirand personallie before the Lords of Privie Counsell, declared upon his oath that to his knowledge since the coffer conteyning the Maister of Forbes his writts came into his custodie the same wes never opened nor any writte abstracdt nor tane furth thairof till the same wes oppened be warrand of the Counsell and the writts inventared."
suffer him to sell them to others, the rest of his creditors are prejudiced and himself and his poor family are likely to be reduced to extreme misery and want, as they have nothing to live upon. Charge having been given to the said William Mitchelhill, and both he and the pursuer compearing, the Lords, after hearing parties, remit and recommend to the magistrates and council of the burgh of Selkirk to make choice of some "indifferent" men to take trial of the accounts between the two brothers and compose their differences, wherein, if they fail, they are to report the occasion thereof to their Lordships upon the first Council day of June.

Complaint by Jean Dow, widow of Mr. Ludovick Stewart, as follows:—On September, 1627, or thereabout, Robert Stewart, brother of the said Mr. Ludovick, came with several accomplices, by way of namesucken, to her dwelling-house in Linlithgow, “patt violent hands in her persoun, caried her to the tolbuith, deteamed her prisoner there be the space of aught dayes as if she had beene some odious malefactour, not suffering anie to have access to her till she delievered to the said Robert all her husbands evidents, writts and securiteis, with certane bands made be her said umquhill husband to his creditours, qhilks he had satisfied and wer in his keeping the tyme of his deceasse, as namelie, ane band of ane thowsand merkes made be her said husband to Thomas Edward, burges of Linlithgow, qhairunto the said Robert hes tane assignatioun and thereupon hee recovered decreit aganis the compleaners twa daughters as airis to her said umquhill husband. And after he had made the compleaner prisoner in the said tolbuith, he come to her hous, brake up ane truncoke within the same qhairin her husbands cloathes wer, to witt, ane blacke satein doubllett, ane paire of velvet breiks and ane cloake lapped with velvet, with certane writts and discharges qhilks he intermitted with and carried away with him.” Both parties compearing, and they and certain witnesses having been heard, the Lords assize the defender, as nothing has been proved by them against him.

Complaint by John Ros in Craigton of Lumphannand, as follows:—In November 1624 Robert Carnegie in Wester Kincardin having slain Alexander Ros in Kincragie was criminally pursued therefor by the gentlemen of the name of Ros. For this cause alone he conceived a deadly hatred against them and the complainer among the rest, and he and Alexander Duncan, his servant, on 3rd October last lay in wait for the complainer between Murealehous and Kincardin to take his life, fiercely assailed him on the highway and gave him a number of strokes upon the head and body with a baton, and then drawing their swords and dirks would have despatched him if some people near by had not interveened, whereat with many execrable oaths they threatened to take the complainer’s life. The pursuer and the said Robert Carnegie compearing personally, the former declared that he passed from his complaint against Carnegie, and the said Alexander Duncan not compearing, the Lords ordain him to be put to the horn and escheat.
Supplication by John, Earl of Mar, baron of the barony of Carnwath, “quhilk is erected in ane burgh of baronie,” as follows:—The ordinary market day of the said burgh “hes beene in all tyme bygane keppe[n] upon the Sunday weeklie, quhairat now latelie the presbytery of Lanark hes tane offence as being ane occasioun and means of pro-fanatioun of the Lords Sabboth and in that regarde contrarie to the lawes of the kingdom, discharging the keeping and holding of mercat upon Sunday.” He craves that their Lordships would by an act of Council change the day from Sunday to Friday weekly. This the Lords do, ordaining “the said mercat day formerlie kept upon Sunday at the burgh of Carnwath to be kept in all tyme comming weeklie upon Fryday,” and that proclamation hereof be made at all places needful.

Supplication by James Lumieden, sometime of Mordingtonheit, as follows:—He has several actions to pursue before their Lordships and the Lords of Council and Session against Sir James Dowglas of Mordingtoun, knight, for certain oppressions, “spulyies” and other wrongs, which will be hindered by reason of some civil hearings under which the supplicant lies, unless their Lordships provide a remedy. He therefore craves their protection for a space. This the Lords grant until 29th March instant, that he may appear before the said Lords upon the 27th and enact himself to pursue for the alleged wrongs at the diet then to be fixed.

“Supplication for protection by James Lumieden, sometime of Mordingtonheit.”

The protection granitit to Josias Stewart and the Laird of Blair—Continuance of protection to Sir John Scott of Newburgh continewed to the fort of April next.

“The Lords ordains the Bishop of Dumblane and Sir Thomas Hope, Holyrood House, 20th March 1632, to tolboth, and to examine him upon suche interrogatours as shall be given aganis him tuiching the monye takin be him and Robert Johnstoun Robert Scott, fra James Stevin, and to report upon Thursday.”

“The Lords prorogates the dyet appointed to the commissioners for David Wedderburn’s Latin Grammar for reporting thair judgement and opinion tuiching the same till the 27 of this instant.”

“The whilk day Francis Stewart reproduced the rentalls givin in be the Erles of Roxburgh and Buccleuch and answerris givin in be thame the rentals of the Erldoms of Bothwell to the said Francis Stewart his rentall, togidder with his replyes to thair answerris, quhilks wer givin up to the partieis to be seene and reproduced be thame the morne.”
Sederunt—Chancellor; Preses; Privy Seal; Wintoun; Linlithgow; Acta January
Perth; Wigtoun; Roxburgh; Buccleuche; Gallouay; Lauder-
daill; Bishop of Dumblane; Iles; Melvill; Carnegie; Tracquair;
Master of Elphinstoun; Clerk Register; Advocate; Justice
Clerk; Sir James Baillie.

Anent the same.

“ The whilk day there were twa interloquouturs givin be the Lords of
Privie Counsell anent the rentalls givin in be the Erles of Roxburgh
and Buccleuche and Francis Steuart, the one bearing that the tryell of
the saids rentalls sail onelie be extendit to such landis and teindis as the
Erles of Roxburgh and Buccleuche possesse in the forefaulour of the lait
Erle Bothwell, conteaining lykewayes are declarationoun of the saids Erles
tuiching suche lands as they possesse otherwayes then in the right of
the forefaulour; and the other interloquotour anent the dyet and forme
of probatoune of the saids rentalls.”

“The quhilk day Robert, Erle of Roxburgh, compeirand personallie
before the Lords of Privie Counsell, declared that the lands of Halyden,
Clarilaw, Neather Ancrum, Hassindenbanke, and thair pertinents with
the teinds of the kirk of Lyllislee could not fall under the tryell foresaid
in regarde he bruiket thame by another title nor the right of the fore-
faulour and wes in possessioun thairfoir before the forefaulour. Qhaur-
upoun Francis Steuart past fra the valuation of the saids lands and
teinds pro loco et tempore without prejudice of his right thairto as accords
of the law.”

[Sederunt as recorded above.]

The Lords continue the protection formerly granted to Hector McClaine,
younger of Dowart, Lachlan McClaine of Coill, Hector McLauchlane
altas McClaine, and John Dow Garroch McClaine, for their attending the
Lords anent the action raised against them by Sir Lachlan McClaine of
Morverne until 15th April next.

“ The Lords ordains McClaine and his brother and the rest of the
Ylismen to remaine and not to depart furth of the town till they be
warranted be the Counsell.”

Most sacred Soverane, There wes ane petitoun givin in to your
Majestie Counsell the last Counsell day be George Suttie, Thomas
Moffet, John Stevinsoun, and a number of others your Majestie good
and faithfull subjects, inhabitants of the burgh of Edinburgh, propor
ning that they having laitlie loaddane ane ship of Leith, quhairrof John Broun
is maister, with plaidsing, skinnes, hydes and others lawfull and coastlie
commodities, and the schip being upon her dew course toward her staple
port of Campvere, whither they expected a full and peaceable passage
without trouble or persurse of anie of the Dunkirkers or other subjects
of West Flanders in respect of the good and happie peace whiche after
so manie yeeres heavie vexatioun to the subjects of this kingdome your
Majestie had concluded with that estait, yitt they wer perszewed and
boorded neere and in sight of thair port be a Dunkirke or some other
freebooter of West Flanders and thair ship seazed upon and tane into
Ostend, where they intend to declare the ship and goods are lawfull
pryze, under cullour of some little quantitie of flowre, talloun and other
small triffles, callit be thame bastimenta, quetylie convoyed and putt in
the ship be some of the mariners without the knowledge of the merchants
be whome the ship was loadned; and thair humble desire unto us wes
that we should represent this mater to your Majestie for some royall
course to be takin be your Majestie towards the restituition unto thame
of thair shippe and goods, especiallie seing thay trelwlie pretend mis-
knowledge of the poore mariners doing and of anie prohibitioun agreed
upon betuix your Majestie and that estait anent the carying of that
quhilk they call bastimenta to thair enemie. This petition ou and the
equitiie of the desire that thereof being considerit at the Counsell table and
we finding that in so important a bussines, quhairin the utter wrecke of
a number of your faithfull subjects depends, we could not in reason
refuse the same, we have thairfoir preoscomen in most submissive
reverence humble to intreate your Majestie to interpone your royall
countenance to the helpe of thir your distrest subjects and restitution to
thame of thair ship and goods, and for this effect that your Majestie
will be graciouslie pleased to write in thair favours to the Infanta and lyke-
wayes to the ambassador resident there to sollicithe this busines with her,
that so your poore distrest subjects may find the comfortfull effects of
your fatherlie and princelie care of thame. And so humelie craving
pardon for this our presumptioun and praying God, etc. Halyrudhous,
23 Martij, 1632. Subscriptur, Dupline, Stratherne, Hadintoun, Wintoun,
Perth, Lauderdale, Dumblane, Melvill, Carnegie, M' of Elphinstoun,
Hamiltoun.

"Most sacred Soveraine, There wes ane petitioun preferred to your
Majestie's Counsell upon the 15 day of Marche instant be Johnne Gordoun
of Lochinvar compleaning that one, William Weir, lait maister of his
shippe callit

hes intentit ane processe aganis him and Johnne
Gordoun, his servant, before the Court of Admiralitie of that kingdome for
some comptes, reckonings and others seafaring maters concerning thame
during the tyme of the said Williamie his charge of that shippe, and that
the judges of the said court ar goin in that processe aganis him and
his said servant aganis the dignitet and fredome of this your ancient
kingdome. This petitioun and the consequences of the actioun being
gravelee disputed at the Counsell table, especiallie that suche a novelitie
so prejudicicall to this kingdome should be introduced or intentit without
a preceding warrant established with consent of both parliaments, the
parties being natives of this kingdome, and the actioun a Scottish actioun,
and the said Laird of Lochinvar having the lyke actioun now in depend-
ence before the Court of Admiralitie heere againis the said Williame; and whereas examples of this kynde ar verie dangerous and gives just caous of greefe and discontentment to your faithfull subjects heere, and we being confident that your Majestie out of your royall respect to the fredome of both kingdomes will be carefull to prevent all occasions quhilks may foster and interteane such needlese matters of discontentment, we have theirfoir preseommed in all submissioun and reverence to give notice heerof unto your Majestie, and humbeline to intreate your Majestie in your pryncellie wisdome and affection to the libertie of this your ancient kingdome to give ordour and directioun that no forder be proceed in that processe, and that no record thairof at all be keepe there. And so, etc. Halyrudhous, 23 Martij, 1632. Subscribitur, Dupline, Stratherne, Hadintoun, Wintoun, Perth, Launderdaill, Dunblane, Melvill, Carnegie, Mr of Elphinstoun, Hamiltoun."

Holyrood House, 27th March 1632. Sedent—Chancellor; Prases; Privy Seal; Murrey; Wintoun; Acta January 1631-May 1632 Linlithgow; Perth; Buocleuche; Gallousy; Launderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Melvill; Tracqaur; Clerk Register; Advocate; Justice Clerk; Sir John Scot; Sir James Baillie.

James Grant. "The quhilk day the Lords of Secret Counsell finds by interloquature that it is expedient to examine and demand James Grant upon the generall tuiching his assistanta, abbetters and bounders out, but not to putt him to his oath thereupon nor to make anie record of his depositions, quhilk was accordingly done."

"The Lords of Secret Counsell upon good respects and considerations moving thame ordains and commands his Majestie Justice, Justice Clerk and their depute to continew the dyet appointed for the tryeill of Alaster Grant, prisoner in the tolbuith of Edinburgh, upon suche erymes as he is challenged before thame till the twenty day of Junij nixt, quhereanent the extract of this act sall be to thame ane warrand."

"The whilk day in presence of the Lords of Secret Counsell compted personallie Adam, Bishop of Dumblane, and Sir Johne Scot of Scotistarvet, twa of the commissioners nominat be the saids Lords for revising of Mr David Wedderburn's grammar, and gave in the report underwritten of the saids commissioners their proceedings therainent subc rywed with their hands. Quhil report being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secret Counsell ordains the same report to be insert and registrait in the bookes of Privie Counsell, of the quhil the tennour follows:—Apost Edinburqum, 26 Martij, 1632. The Commissioners under-subs cryw and appointed be the Lords of his Majestie most honourable Privie Counsell for revising and rectifieing of ane grammar made by Mr. David Wedder-
burne, schoolemaister at Aberdein, having sindrie tymes mett thereanent
and having heard the observatiouns and animadversiouns made againis
the same be Mr James Gleg, schoolemaister at Dundie, and having
attendit to have heard the objectiouns of Mr. Robert Williamsone,
sometyme schoolemaister at Couper, who be the Lords of Counsell was
ordained to use the samine before the saids commissioners, and he not
compeirand [at] anie of the saids dyets except upon the nyenetene day of
this instant, where he produced no materiall objectioun worthie of con-
sideratioun, and being ordained to compeir upon this day the 26 of
Marche and not having compeirde bot deserted the said dyet, the saids
commissioners finds, according to the Lords of Secreit Counsell thair
meaning, That the said Mr. David Wedderburne his grammar sall onelie
be receaved, rectified and amended in suche particulars as the saids com-
missioners hes thought or sall thinke expedient betuix and the second
Moonday of Junij nixtoome, at quhilk tyme, God willing, the saids
commissioners sall report thair full judgement and determinatiouns in
the said mater concerning the said grammar, that the Lords of Secreit
Counsell may interpoue thair auctoritie and approve the same as they
sall thinke most fit for the weale of the youth of the kingdome; whilk
they have willed my Lords of Dumblane and Scottistarvet to report to
their Lordships. Sic subscribitur Ad. B. of Dumblane, J. Scottistarvet,
T. Henryson, M. A. Ramsay, Mr John Adamsone, Dr George Sibbald,
Mr R. Burnet."

Complaint by Mr. George Leslie at Birsackmyyne and James Arbuthnet
in Kinmundie, as follows:—They are informed that Andrew Forbes
at the Mill of Clinterlie, with concurrence of his Majesty's James
Advocate, had obtained a decreet from their Lordships for denouncing
them rebels for not appearing on 23rd February last to answer to their
complaint against them, whereas they were never lawfully charged nor
competent time given them to compear in regard of the unseason-
ableness of the weather. Further, the said James Arbuthnet came,
immediately after the rising of the Council, for the purpose of clearing
himself; and they have found caution in £100 to compear this day; in
respect whereof the said horning should be suspended. Parties being
called and the said Mr. George Leslie compearing personally, and the
said Andrew Forbes by Mr. James Kennedie, servitor to Mr. James
Baird, Advocate, his procurator, and the case having been gone into
(ante p. 434), the said procurator referred the truth of the complaint to
the oath of the said Mr. George Leslie, who deponing negatively, the
Lords assoilzie him. They find, however, that the letters of horning
against James Arbuthnot [sic], are orderly proceeded, and ordain them to
be put to further execution, and in respect of his non-compearance they
decern Robert Keith, Writer to the Signet, who became cautioner for his appearing this day, to have incurred the penalty of £100, for payment of which letters are ordered to be directed.

Supplication by James Lumsden in Mordingtoun, as follows:—Upon his Majesty’s letter to their Lordships for granting the supplicant a protection in order that he might in safety proceed with a complaint he has given in against Sir James Dowglas of Mordingtoun, they granted him till the 29th instant, so that he might compear this day and enact himself to pursue the complaint foresaid. This he is now ready to do. As, however, the complaint concerns not himself only, but also his brother, and Elspet Ramsay, his mother, he craves that their Lordships would include them in the protection to be granted to him. The Lords grant their warrant to these three persons until 15th April next, because the supplicant has enacted himself to appear before them on 13th April next and insist in his said complaint, and also not to bear any weapons, under the penalty of 500 merks.

Complaint by John Stewart, brother to the Earl of Galloway, as follows:—Alexander Cunningham of Powtoun is due to him several sums of money of which he hoped either to have received payment, or to be secured of, when he consented to his obtaining their Lordships’ protection until 15th March instant. For this end he attended and awaited upon the said Alexander but has been totally disappointed. He understands that he has obtained a prorogation of his protection from their Lordships until 15th April next upon the narrative that he is taking order with his creditors, which he has no purpose or intention of doing, but only seeks it for his own private ends. Charge having been given to the said Alexander Cunningham, and he and the pursuer compearing and having been heard, the Lords discharge the protection granted to Cunningham so far as concerns the pursuer and ordains the same to be of no force after Thursday next, the 29th instant, at night.

Supplication by Cuthbert M’Keen, tailor, burgess of Edinburgh, as follows:—He has sustained great trouble and misery by becoming cautioner for James Aikman, merchant burgess of Edinburgh, having been long warded; but his whole estate and means, which were not small, being now engaged for these debts, his creditors have suffered him for years past to proceed and go on in his calling. Now “some malicious persons, invyng his thryving estait and perceaving his employment in his calling to grow, they have resolved to doe what in thame lyes to crosse and afflict him by stirrung up his creditours to use the rigour of the law aganis him, who otherways of thame selffes ar verie unwilling thereto, being perswaded (as they have found be experience) that his employment in his calling is and will be ane effectual meane of thair satisfaction. And whereas it is weill knowne that he hes ever dealt most honestlie with his creditours and wes never
mynded to defraude thame in anie thing dew to thame, and that his burdeins ar bot small, quhilks he will easilie overcome if the malice of his unfriends stay not his imployment," he craves their Lordships' protection for some time. The Lords ordain a macer to pass and warn the supplicant's creditors to appear on 13th April next and hear protection granted, and meanwhile grant their warrant to him until 15th April.

"The lyke warrant granted to James Crawford to the same day and he ordained to warne his creditoris also."

Supplication by Francis Durhame of Duntarvie as follows:—He is charged to appear before their Lordships on 29th March instant, and before the Justice upon 12th April next upon the complaint of David Dundas, son of John Dundas of Newliston; and he is most willing to compear, but the fear of some civil hirnings of which his adversary intends to take advantage is a hindrance. He accordingly craves their Lordships' protection. This the Lords grant till Friday next at night, the 30th instant.

Supplication by Andrew Dickson, master shipwright to his Majesty, similar as follows:—Their Lordships' protection granted to him until his Majesty's Treasurer should make payment to him of his disbursements in his Majesty's service expires on the 31st instant, and seeing that if he were paid he could satisfy all his creditors and have something over, and that as yet the Treasurer has paid him nothing, he craves a continuance of his protection. The Lords grant this until 15th June next.

"The lyke warrand grantit to John Traill of Blebo for settling his comptas with his uncle; and to Sir George Crawford of Lesnoreis till the said fyftene day of Junij nixt."

The Sederunts show an ante meridiem Session at which all the Lords of Council contained in the Sederunt [post meridiem] were present, except Murrey, Linlithgow, Bugcleuche, the Bishop of Dunblane and the Clerk Register.

"The Lords ordains the Bishop of the Yles and McClayne to have their clames and answers in readinesse to be givin in be the arbitrators chosin be thame for decreing upon thair differences upon Thursday nixt at sevin of the clocke in the morning in the laich counsellous of Edinburgh."

"The Lords appoints the nixt Counsell day to be upon the 13 of Aprile."

Sederunt—Chancellor; Præses; Privy Seal; Murrey; Wintoun; Holyrood Linlithgow; Perth; Wigtoun; Lauderdale; Bishop of Dunblane; Iles; Lord Lorne; Melvill; Traequir; Clerk Register; Advocate; Sir John Scot; Sir James Baillie.
"Forsamekle as the Kings Majestie affecting the generall trade and commerce of all nations under his Majesteis government of whose he hes equall care and charge, intending as his royall father of happie memorie by several warrants and letters patent declared, that his subjects of his severall kingdomes might at equall charge trade in all and everie of thame without distinction by being charged with farther customes or other dewteis than the naturall subjects of that kingdome wherein they trade aucht to pay, thairfor his Majestie doeth by thir presents signifie and declare unto all these whome it doeth or shall concerne that his royall will and pleasure is, and he doeth expresslie command that no more greater nor other custumes, subsides, butlerage, prisage, tonnage, pondage, impositions, dewteis, payments or soumes of money, fees for entreis or other fees or rewards whatsoever sail at anie tyme heerafter be takin, receaved, exacted, required, challenged or demanded be anie of his officiers or subjects of his kingdome of Scotland of anie Englishman or Englishmen, Yrishman or Yrishmen, or anie other persons or persons born within anie of these his Majesteis realmes of England and Yreland for or in respect of their countrie and natioan or for that anie of thame be not naturall borne subjects of his realme of Scotland, or for or in respect of anie of the shippes, pinasses, barks, boats or vessellis of anie suche Englishman or Englishmen, Yrishman or Yrishmen comming, remaining or arryving within anie port or ports, haven or havens, creeke or place, creeks or places within the said kingdome of Scotland and yles thairof, or anie of thame for exercise of trade of merchandise, or for or in respect of anie goods, wairs or merchandice or commoditeis whatsoever by anie such Englishman or Englishmen, Yrishman or Yrishmen imported and brought in or exported and carried out of the said kingdome of Scotland and yles thairof or anie of thame than onelie suche and the same qhillks ar and lawfullie aucht to be takin of the naturall borne subjects of Scotland and of thair shippes severallie and respectivelie in the lyke cases and for the lyke respects. And forder it is his Majesteis expresse pleasure, that no greater nor other custome, subsides, butlerage, prisage, tonnage, pondage, impositions, dewteis, payments or soumes of money, fees for entreis or other fees or rewards whatsoever sail at anie tyme heerafter be takin, receaved, exacted, required, challenged or demanded be anie of his officiers or subjects of England and Ireland of anie Scottishman or Scottishmen or anie others borne within the said kingdome of Scotland for or in respect of their persons, countrie or natioan, or for that anie of thame be not naturall borne subjects of the saids realmes of England and Ireland or anie of thame, or for or in respect of anie goods, wairs or merchandice imported or imbrought into the saids realmes of England and Ireland or exported and carried out from thence, than suche and the same qhillks ar and lawfullie aucht to be takin, required and had of the naturall borne subjects of England and Ireland severallie and respectivelie in the
lyke caises, and for the lyke respects: and that notwithstanding of anye former law, custome, ordinance, usage, provision or other mater or thing whatsoever, to the contrarie: Willing and straitlie charging and commanding heirby all his Majesteis officiers, ministers and subjects whatsoever, as well within the saids kingdomes of England and Ireland as within the said kingdom of Scotland, whome it apperteane, that they and everie of thame take full notice and understanding of this his Majesteis royall pleasure and commandement and to see the same dewlie observed in all things according to the tennour and trew meaning of the same, upon pane of his Majesteis heavie indignation and displeasure and of suche punishments and penaltis as by his Majesteis lawes and statuts can or may be inflicted and imposed upon wilfull contemners of his Majesteis commands and prerogative royall. Nevertheless his Majesteis royall intent and meaning is, and he doeth heirby signifie and declare, that all and everie his subjects of anie of his saids realmes and dominions shall be subject to suche foresfaitours and penaltis in cause of deteanning of custome or other dewteis and cullouring of strangers goods or other wayes in lyke maner as the subjects of anie of his saids realmes and dominious respecitivelie be the lawes and statuts of anie of thame or be his Majesteis prerogative royall ar or sall be found lyable unto. And thairfoir the Lords of Secrete Counsell, according to his Majesteis warrand and direction, ordains letters to be direct to heralds, pursuavants and officiers of armes charging thame to pas to the mercat croces of the heid burrowes and seaports of this kingdome and others places neidfull, and there be opin proclamatioun to mak publicatioun heirof to all and sindrie his Majesteis lieges and subjects, whairthrow name pretend ignorance of the same."

"Forsameekle as the Lords of Secrete Counsell considering that in the execution of the libertie of justiciarie granteit be his Majestie to Archibald, Lord of Lorne, within the bounds of the Yles and others contenit in his infestment thairfoir, sindrie offences will occurre and fall out to be tryed whiche being criminall in thameselfes will in the rigour of law make the committers thairfoir to be lyable to bodilie punishment or to high and great fynes, whilks the said Lord of Lorne cannot modifie without advice of the Counsell, thairfoir the saids Lords hes givin and grantit and be the tennour heirof gives and grants full warrand, power and commisson, and tharewithall authorizes and allowes the said Lord of Lorne to proceed to the tryell of all crymes and offences whairof he hes the power of tryell be his said infestment and be the lawes of the kingdome, and to fyne the persoune delinquents who sall be found culpable of anie of the crymes fynnable and containned in the act of Secrete Counsell made anent the Circuit Courts and whairof the said Lord hes power of judgment as said is."

"The Lords continewes the answering of the bill givin in be Francis Stenart with the Erle of Buccleuches answers thereto togidder with the
booking and extracting of twa interloquutours concerning the rentalls till

the thretene day of Aprile nixt."

[Sederunt as recorded above.]

Complaint by Mary Macfarlane in Dumbartane, as follows:—The late
John Elder in Dumbartane, her uncle, "a little before his death, being
fyve score yeeres or thereby, having desired the complainer to attend him
in his sickenesse, he shortlie thereafter dispounded be legacie to her all that
he had, as the testament in the hends of Walter Watsoun, notar, beiris;
and he gave to her the keyes of the utter doore of his hous. But how
soone he died John Porter in Dumbartane, Coline Elder at the Kirk of
Lus, James Hall, provest of Dumbartane, and Thomas Fallowsdaill there
"come to the compleanners said uncles loodging, violentlie brake up the doores
thairof and kists within the same and possest the said John Porter with
the haill goods and geir being therein; and becaus the compleanner would
not renunce her part of the legacie for twentie pundis the said provest
committed her to waird in thair tolbuith and deteaned her in great
miserie be the space of twelffe weekes, she being his Majesteis free
subject, and they dealt with the said Walter Watsoun to keepe up the
legacie frome her so as by no meanes she can gette the same frome him
to conforme it, quherby they intend to wrack and unde the poore simple
woman, who hes no meanes to live upon, but is now forced to goe up and
down the crountrie in the qualitie of a begger." Charge having been given
to the said James Hall, John Porter, Thomas Fallowsdaill, and Walter
Watsoun, and the pursuer compairing and also the said defenders, except
Fallowsdaill, and they and certain witnesses having been heard, the Lords
assilzie them as nothing was proved against them. But because it is
evident to their Lordships that the pursuer has maliciously troubled the
defenders and a great number of witnesses, who had come to depone in
the matter, without any just ground of complaint, they allow the provost
and bailies of Dumbartane to apprehend her when she comes to Dum-
bartane, commit her to ward for such a time as they think meet and
thereafter scourge her through their town.

Complaint by Henry Edington, deacon of the Wrights of the Canno-
gait, and James Grahame, David Russell, John Henrie, William Dureward,
Alexander Torrie and William Hunter, also Wrights there, for themselves,
and in name of the whole body of their craft, as follows:—"After manie
opressions committed be the Wrights of Edinburghe upon thame and
their servants in making and selling of their worke upon the ordinarie
mercart dayes within the burgh of Edinburghe and upon anie worke day
within their awne libertieis to anie persoune willing to buy the same,
contrarie to the laudable and uncontrolled custome observed be thame
in this caise past memorie of man," they complained to their Lordships
in the year 1604, and obtained a decreet against the Wrights of Edin-
burgh and their deacon ordaining them to desist "fra making of anie stoppe, trouble or impediment to the suppliants in presenting their worke to the mercat of Edinburgh and selling the same upon the ordinarie mercat dayes, and fra troubling them in working outwith the fredome of the burgh of Edinburgh to anie inhabitant thairof who pleased to imploy thame, and in bringing the worke so wrought be thame and setting up the same to the awners thairof at all tymes when the occasioum presents," as the said act in their Lordships' books shows. They looked "that thair ancient libertie and priviledge" thus strengthened would not be further quarrelled, yet in contempt of their Lordships' said decreet, the deacon and wrights of Edinburgh have troubled and oppressed them since that date, as the following particulars show. On May, 1623, James Dennistoun, then deacon of the wrights of Edinburgh, accompanied by several of his brethren and others, took from some of the complainers' craft and their servants, viz., from James Grahame "ane coffine or dead kist made be him to ane barne of Archibald Naper," gentleman; and from David Russell, on October, 1624, "ane kist" made by him for the deceased John Dick, son of the deceased Walter Dick, writer; further on William Stewart, officer to the said wrights of Edinburgh, and others at their command took from John Henrie "ane kist," made by him, which he was carrying to the house of Mr. John Sandlands, advocate; on John Franke, then deacon of the said wrights, and several of his accomplices, took from the said William Durward "ane kist" made by him for the deceased William Campbell, tailor; on the said James Dennistoun and others violently "reft from the said Alexander Torrie ane kist" made by him for a servant of the deceased Agnes Stirlin, mother of Mr. James Raith of Edmistoun; and now lately on 1st February last John Young, Andrew Haistie, John Haitlie, Thomas Henrie, and Alexander Baxter, wrights in Edinburgh, and others "violentlie tooke from the said William Hunter ane kist of aik" made by him for the deceased Isobel Spinke, widow of Captain Hunter, which he could only redeem from them by consigning five dollars in the hands of Alexander Cleghorne, their deacon, which they still retain. All these articles were wrought by the said persouns within their own booths. These oppressions will continue and increase, as it is threatened they will, if the Lords do not, by the punishment of these transgressors of their act, and the securing of the complainers in the peaceful exercise of their privileges, provide a remedy. Charge having been given to the said Alexander Cleghorne, Thomas Henrie, John Haitly, John Franke, James Dennistoun, Alexander Baxter, and Andrew Haistie, and the pursuers compearing personally, accompanied by James Aitoun and Henry Bannatyne, bailies of the Cannogait, who concurred with them in this complaint; Mr. David Prymrois, advocate, compearing as procurator for Robert, Earl of Roxburgh, for his interest as baron of the regality of Broughtoun; and the said Alexander Cleghorne, John
Franke, James Dennistoun, Alexander Baxter, and Andrew Haistie also appearing accompanied by Robert Achesoun, one of the bailies of Edinburgh, for himself, and in name of the provost and remnant bailies of the said burgh, who concurred with the defenders, and declaring that they did nothing in what was alleged against them but by warrant and authority from the said provost and bailies, who by virtue of an act of Parliament made by the late King James in his twelfth Parliament, cap. 154, were authorised to act as they did, desired further that, as this action "dippes upon the liberties and priviledges of the said burgh," it might be remitted to the Judge Ordinary, in terms of a letter from his Majesty in which he expressed his royal will and pleasure "that in all causes concerning the rights and priviledges of the said burgh of Edinburgh quhilkis sall come in before the saids Lords that they sould give order for sattling of the same as the lawes of the kingdome doe allow, and in all things of that nature that ar to be judged before the Colledge of Justice that the saids Lords sould use their authoritie in putting the same to execution." They added also two instances of decisions given by their Lordships in similar actions between the craftsmen of Edinburgh and the Cannogait, one on 8th February, 1616, when George Latreis, servitor to George Torrie, "glasinwright in the Cannogait," summoned the bailies of Edinburgh for illegally apprehending and warding him because he had brought in to the said burgh, set up and mended some glass windows there, but whom their Lordships assolized and put the complainer and his master under caution to abstain from the like in future under a penalty of £20 toties quoties. The other case was on 13th March 1610, when the weavers of the Cannogait brought an action similar to the present against the "weisters" of Edinburgh, which their Lordships remitted to the consideration and decision of the Lords of Session as the judges competent thereto. Moreover, the defenders urged, "the bringing in of coffines and dead kists from the Cannogait to the burgh of Edinburgh must be interpret to be ane direct working within the said burgh of Edinburgh, quhilk priviledge no unfreman can lawfullie challenge, becaus the maker of the coffine must take the lenth and breadth of the corps for whome it is made, he must call the nailes, dresse, calfat and perfyte the coffine after it is brought in, quhilk is a direct working." It was replied to this by the pursuers and Mr. David Prymois that this action is proper only to their Lordships’ judgment because of the violence libelled by the pursuers against the defenders of "ane violent opposition made to thame to discharge a commun dewtie of thair calling to the dead, and by the violent taking of thair coffines and moneyes from thame without calling of thame to thair answere and without decreit and sentence givin aganis thame." Further, the said burgh of the Cannogait is the burgh of regality, and the pursuers again oppose their Lordships’ decreet of 2d February 1604 to the pleadings of the defenders. To which it was answered by the
defenders that this decreet cannot militate against the provost and bailies of Edinburgh, who alone have power within their own jurisdiction to put the Act of Parliament referred to to execution; and, moreover, in the said decreet it is provided that it will always be without prejudice to the magistrates of the burgh of Edinburgh and others having power to stop and debar all unfreemen to do any work within their said burgh as accords of the law. They therefore adhere to their former desire that this matter be referred to the Lords of Council and Session. The Lords, having heard parties, find and declare "That the wrights of the Cannogait may worke and make coffines and dead kists to anie gentlemen within the burgh of Edinburgh for the tym to and others not being burgesses of the said burgh and to bring in the same to be delivered to the parteis whome they concerne at all occasiouns aff the mercat dayes; and finds and declares that the saids wrights of the Cannogait may not make and bring in to the said burgh anie coffines or dead kists to be delivered to anie burgess of the said burgh to the use of thame and their familis bot upon the ordinair mercat dayes; and thairfor finds and declares that the saids defenders hes done wrong in taking of the kists foresaids quhilks wer made to others nor to burgesses and decernis thame to delyver backe agane to the saids persewers the saids dead kists togidder with the fyve dollors abqnewrittin."

Complaint by Francis Durhame of Duntarvie, as follows:—On 9th March instant, David Dundas, portioner of Philpou, having at his own hand tilled a part of the common muir of Abercorne to the prejudice of the Earl of Abercorne and other gentlemen around, of whome the complainer is one, who have the benefit of the said commony, the complainer went to the said muir to understand the true state of the case, where-upon "the said David Dundas first disgracefullie upbraidit the compleener, calling him false dyver theefe, speired at him how he durst come upon that feild and then ranne in upon him with ane drawin whinger of purpose to have slaine him therewith." When the complainor, for avoiding further danger, went to his horse with Mr. James Quhytheid, his nephew, Mungo Gilbert, servant to the said David, by his instructions followed him, and with a drawn sword "gave him ane cruel wound upon the head after he was halfe ane myle aff the bounds foresaids, out of quhillk wound there wes bones takin be John Ker, chirurgiane; and the said David and his said servant with sevintene men in armes with drawin swords in thair hands so hardlie persewed the compleener that he wes forced to quite his cloake and his nephew his hat, and so with difficultie to escape; and ever since they have sought for the compleener with fourtie or fiftie men in armes at his hous of Duntarvie and other parts where he haunts of purpose to have slaine him." Charge having been given to the said David Dundas, and he and the pursuer both compearing, and the pursuer for probation referring the verity of
his complaint to the defender's oath, who denied, the Lords assosilzie the defender.

Counter-complaint by the said David Dundas as follows:—Francis Durhame of Duntarvie and Mr. James Quhyteheid, younger of Kincaill Park, having causelessly conceived a deadly hatred against him, without manifesting the same by word or writ to the complainer, resolved to take some "unhonest advantage of him" whenever occasion should offer. Accordingly on 9th March instant they came to the dwelling house of Bessie Gardner, tenant of Philip Quhyteheid, which is in sight of the complainer's dwelling house, and lay concealed there for a good part of that day, with their spies abroad upon the fields. About five o'clock in the afternoon the complainer came forth "to oversee his husbandrie, having onelie his joope and gloves upon him and ane whinger," and their spies having advertised them thereof, they came to him, he being upon his own ground, within a pair of butts of his own house. As the said Francis had a blew bonnet on his head and his cloak cast about his mouth, the complainer did not recognise them until they were "hard upon him, and with the first salutatioun the said Francis upbraided the compleuner with disgracefull and reproachfull speeches and cruellie persewed him of his lyfe; and the said M' James, secunding the said Francis, gave the compleuner ane great straikhe with the sword upon the head to the great effusion of his blood, and the said Francis gave him another straikhe on the right hand to the amputatioun of the little finger thairof, and than thinking the compleuner had been assuredlie slaine, the one says to the other, 'Lett us goe, he hes gottin enough,' and so toile their hors and raied away." Pursuer and defenders both confessing, and probation being referred to the oaths of the defenders, Francis Durhame confessed that he invaded and hurt and wounded the pursuer, for which the Lords ordain him to be warded within the tolbooth of Edinburgh, there to remain upon his own expenses until they release him, "lykewise he wes delyvered to Androw Quhyte, keeper of the tolbuith of Edinburgh, to be convayled by him to his said waird." Mr. James Quhyteheid, denying upon oath the complaint against him, is assosilzie by the Lords.

In the action and complaint by David Dundas, son of John Dundas of Newlistoum, against Francis Durhame of Duntarvie and Mr. James Quhyteheid, younger of Parke, "the said Francis being interrogat and demanded anent certane particulars concerning the said complaint he grantit and confess the haveng and shooting of ane pistole at the said David Dundas at the tyme of the invasoun foresaid, quhairupon M'es David Heriot, advocat, as procurator for the said David Dundas, asked instruments."

Complaint by David Wod, tenant to William, Earl of Mortoun, and Thomas Feild, his servant, as follows:—On James Douglas in Lughtoun came to the complainer's lands there where his said servant
was tilling, and without any offence offered to him he put violent hands on the poor man, "cruellie buffetted him on the head and face with his folded neiffes to the effusion of his blood and gave him manie bauche and blae straikes with the pieuche graith in diverse parts of his bodie."

Both parties compearing, and they and several witnesses having been heard, as nothing was proved by them against the defender, the Lords assolzie the defender.

Complaint by Alexander, Earl of Linlithgow, and John Areskine of Balgownie, as follows:—In September last when the said John was dwelling in the place of the Throsk he was sent for by the Earl of Mar, then resident in Alloway. From him he received a commission to go to the Earl of Linlithgow, who was then living in Airth, to intreat him to take some good course for settling the differences between the Laird of Buchannan and his lady. Accordingly on September he went to Airth and gave this message to the Earl of Linlithgow, and found with him the Laird of Buchannan accompanied by five or six horsemen and four or five footmen. As he was conferring with the Earl upon this matter one James Wingzet, a deprived messenger, charged the complainer, as sheriff depute of Stirlane for the time, by virtue of letters of caption raised at the instance of Robert Wallace, Writer to the Signet, to apprehend the said Laird of Buchannan, and because he did not do so the party has raised an action against him before the Lords of Council and Session for payment of the sum contained in the said letters. The charge foresaid could not have been executed at the time and place mentioned seeing the complainer was there only in the capacity of a private man, having no person with him, and being without weapons, having only a horse wand in his hand, while the said Laird was accompanied by ten or twelve men on foot and horse. Besides, the place and town of Airth is not within the bounds of his office, but is a regality by itself in which the sheriff and his deputes have no jurisdiction; and he had no jail in these parts to which he could have committed the said Laird; nor had he any authority to crave the concurrence of the inhabitants there. The said deprived messenger has thus very far abused the place and charge he formerly had as messenger, and though he had been a lawful messenger he had no warrant to magistrate to apprehend the said Laird while he was in the house and company of a nobleman, "who be the dignitie and priviledge of their place ar free from suche charges; at the least suche respect sould be caried unto thame as no suche charge sould be execute in anie of their houses and in thair awne presence."

Moreover, no charge of that kind could have been lawfully executed but only against the bailie of that regality. The said pretended messenger ought therefore "to be exemplarie punished for this proud and malapert presumption in using of this unlawfull charge, to the terrore of others to commit the lyke heerafter." Charge having been given to the said James Wingzet and Robert Wallace, the pursuers compeared, and also
the said Robert Wallace, who declared that he gave no warrant to the said messenger to execute the said letters, and neither knew of their being raised or their execution, but that his name was only borrowed to the bond upon which the letters were raised by William Cuninghame, tutor of . Cuninghame also being present and examined confessed that the moneys contained in the bond were his, that he had only borrowed the name of Robert Wallace, and that he gave the letters to the officer for execution as he should find the occasion; but as the charge given to the said John Areskine of Balgownie was unlawfully given in the manner foresaid he passed judicially from the said charge and declared John Areskine free thereof and of all danger which might accrue therefrom, upon which the said John asked instruments. The said James Wingzet not complaining the Lords ordain him to be put to the horn and escheat.

The Lords of Privy Council continue the protection granted to Sir David Livingstone of Donypace, John Livingstoun, his son, David Barclay of Maders, Mr. Alexander and William Livingstoun of Greenyairds, and Robert Livingstoun, merchant burgess of Edinburgh, their cautioners, for selling their lands in order to satisfy their creditors, until 8th June next.

"The lyke warrant prorogat to Sir Hew Wallace of Cragy and certane his cautioners, in so farre as they ar cautioners for him, to the fyftene day of Junij nixtocome."

"Ane Act anent ane processe depending before the Admirall tuiching ane ship of Hamburg called the Qtlyte Swan."

"The Lords ordains the Bishop of Dumblane, the Lord Tracquier and Advocat, judges arbitrators nominat and chosin be the Bishop of the Yles, and the Lord Lorne, Justice Clerk, and Sir John Scot, judges arbitrators nominat and chosin be M'Caine, to meet in the Exchequer Hous at sevin of the clocke in the morning and to receave and consider the parteis clames and to travell betuix thame for settling their differences."

[No record of Sederunt.]

Supplication of Ralph Ker of Ridpath and Robert Ker, his son, as follows:—"They ar fullie mynded now in this tyme of vacance when they may have opportunitie of lawyers in Edinburgh to make sale of certane their lands for satisfactioun of their creditoris and ar come to this burgh for consulting anent the writs and securities to be drawn up betuix some gentlemen who ar under conditioon with thame heereanent," but being under some civil hombings they are afraid to come in public for prosecution of this business without their Lordships' protection, which accordingly they crave. The Lords ordain them to cause warn their creditors to appear before the Council on 13th April instant and meanwhile they grant protection until the 17th.
Supplication by James Kennedie of Blairquhan, Josias Stewart of Ravinstoun and William Stewart of Dunduff, as follows:—The protection granted to them for settling with the Laird of Lee and James Kennedie of Crugiltoun expires on 10th instant, and the matter is not yet settled. They are now in terms of agreement with John Inglis, merchant, and others of their creditors, and the writs and securities are in the hands of their writers and lawyers, whereby they hope to give them reasonable satisfaction, if their Lordships will extend their protection. The Lords grant them until 15th June next.

“Our verie honorable good lord, We have exped the patent tuiche-ing the equalitie of customes and designed his Majestie therein Rex Scotiae, Anglie, &c., bot have forborne to send up the same unto your lordship be reasoun of a doubt conceavd heere that the English patent of boore Rex Magnae Britanniae; for cleering qubairof we have heirby thought good to intreate your lordship to certifie us backe with diligence how and in what termes the English patent is conceaved to the effect we may resolve what is fittest to be done therein; quereanent expect-ing your lordships speedie advertisement, we commit your lordship to God, and restes, &c. Halyrudhous, 5 Aprilis, 1632. Subscribitur, Geo: Cancell., Stratherne, Marshall, Morrey, Linlithgow, Dumblane, Traquair, S. G. Elphinstoun.”

“CHARLES R., Right, etc. Being informed of the care of our late royall father in causiny the game of hunting within some distance of bounds of our Palace of Linlithgow, having to that effect givin charge to our trustie and weilbelovit Sir John Hamilton of Grange, knight, to see these bounds reserved for that use, and we being the rather willing that the like course be takin in regarde (as we are informed) that the bounds so reserved ar verie proper for hunting and commodious for that purpose in respect of the neereness thereof to our cheefe housses, quhair we intend most ordinarie to reside during our abode in that our kingdom, our pleasure is that yow informe your selfes of the warrand grantit to that effect by our said royall father unto the said Sir John and that in our name yow give unto him the like in all respects, for whiche these presents sall be your warrand. Givin at our Court at Whitehall, the fyft day of April, 1632.”
this his ancient kinldome this present sommer, whilk as his Majesty had of long tyme extremely desired, so his Majesty had at the said tyme most earnestlie resolved so to have done both for halding of his Parliament and receaving of his crowne; but now in regarde of some lait consideratious speciallie concerning forran effaires, the estait whairof is sufficientlie knowne to be verie considerable at this tyme, his Majesty is induced to continuw his heere comming till the nixt yeere, at quhilk tyme, God willing, his Majesty will not faile to come, to the intent that at that tyme his Majestie may have some more tyme and leasure to attend his parliament in persoun and to receave his crowne for the peace and securitie of this his native and ancient kingdome, if his Majestie effaires can convenientlie permitt; and for this effect his Majestie hes wriitten his princelie directiouns to the Lords of his Majestie Privie Counsell and to the Commissioners of his Parliament for prorogatioun of the same till the 18 day of Junij in the yeere 1633. And thairfor the saids Lords of Privie Counsell, according to his Majestie expresse command and directioun sent unto thame, ordains letters to be direct charging heralds, pursuivants and messingers of armes, to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamatioun to make intimation to all his Majestie lieges and subjects that the said Parliament is prorogat and continewedd till the said 18 day of Junij in the said yeere of God, 1633; and to warne all prelats, noblemen, commissioners for the barouns or burrowes, and all others having place, vote or owyn attendance in the said supreme court of Parliament to attend and await upon the same the day foresaid with continuatioun of dayes, and to doe and performe all and sindrie things quhilks to thair places and offices apperteanes, with intimation as effairis. Followes his Majestie missive in the

mater abonewritin:

—CHARLES R. Right trustie and right weiblovit cousine and counsellour, right trustie and weiblovit cousines and counsellours, right trustie and weiblovit counsellours, and trustie and weiblovit counsellers, we greit yow weill. Whereas we have writtin our princelie directiouns unto our Commissioners of Parliament to prorogat and continue the same unto the 13 of August nixtocomie, whereby we may have some more tyme and leasure to be there in persoun at the said Parliament and to receave our crowne for the peace and securitie of that our native and ancient kingdome, if our effaires can convenientlie permitt, our pleasure therefore is and we doe heirby authorize, will and require yow, that after the said Parliament sall be prorogat and continued, as said is, yow caus intimat the said prorogatioun and continuatioun to all our good lieges within our said kingdome be opin proclamatioun at the mercat croce of Edinburgh and others places neidfull, and warne all prelate, noblemen, commissioners for barouns and burrowes and all others having place, vote or owyn attendance on the said supreme court of Parliament to attend and
Acta January 1631-May 1632. 
Fol. 121, a.

await upon the same the foresaid day with continuatioun of dayes, and to performe all and sinderie suche other things as to thair places and offices doe apperteane. And for doing the premisses these our letters sall be unto yow and everie of yow frome tyme to tyme are sufficient warrant and discharge in that behalfe. We bid yow farewell. Frome our Court at Whitehall, the nynt day of Februarie, 1632."

Apud Halyrudhous, codem die, post meridiem. Sederunt ut ante meridiem.

"Forasmeekle as in the taxatiouns grantit in the moneth of August 1621 and in the moneth of October 1625 there is ane great number of persons who have verie fraudfullie and undewtifulie concealed thair lent moneys and not givin up ane trew and just inventar of the same, to the frustrating and disappointing his Majestie of ane great part of the twa taxatiouns foresaidis, quhils wer so freellie and voluntarilie offerit be his Majesteis Estateis, and they thinke to carie thair concealments so closelie and covertlie as notice sall never be gottin of the same: And whereas one of the readiest meanes to discover thir concealments is by the registers of the Lords of Sessioun and of the shireffs, stewartes, baillieis of regalieis and burrowes, and the registers of seassings, reviersiouns and others, wherein the bands of lent moneys betuix parteis ar insert and registrat; thairfor the Lords of Secret Counsell ordains letters to be direct charging the ordinarie clerkes of Counsell and Sessioun, togidder with all shireff clerkes, stewart clerkes, baillie clerkes, clerkes of regalieis and commissar clerkes within this kingdome, and thair clerks of the registers of hornings, and the keepers of the Clerk of Register his registers of seassings, reviersiouns and renunciatiouns of infeftments, that the saids ordinarie clerks of Counsell and Sessioun, shireffs, stewartes, baillieis of regalieis, baillieis of bailliereis, burrow and commissar clerkes, everie ane of thame within thair awin offices, delyver to the clerk of his Majesteis taxatiouns ane extract or note, authenticklie subscriyit with thair bands, of all bands, contracks, obligations and others securitieis registrat in thair bookes for anie moneys borrowed and lent betuix partei and partie at anie tyme fra the first day of November the yeere of God 1619 yeeres to the day and dait heirof; quhilk note or extract sall conteane the dait of the securitie, the day of the registratioun thairof, the soume borrowed and the day appointed for repayment thairof, whether the same be for infeftment of annulent out of lands or otherways, the parteis names, lenners and borrowers of the moneys, and that the keepers of the registers of hornings, everie ane of thame within thair awin offices, give the lyke extracts of thair hornings; and that the keeper of the Clerk of Register his registers of seassings, reviersiouns and renunciatiouns of infeftments and others writs mentiouned in the Act of Parliament to this effect delyver
the lyke extract or note authenticklie subscryved with their hands con-
teaining the dait of the seasing and of the registration thairof, the
parties names, wodsetter and buyer, the names of the lands
wodsett and the soune whairupon the same is redeemable, and at
what terme the samine wer wodsett and at what terme redeemed
agane, and the renuacitoun made, and that within twentie dayes nixt
after they be charged thereto, under the pane of rebellion, etc., with
certification, etc.; with certification lykewayes to thame that incaise
they omit anie bands, contracts, obligatious or seessions, reversions
and renuacitions of infeftmtes ungivin up and insert in the said
extract and note subscrivit with their hands, qubilks ar insert and
registrat in their bookes, the same omission being tryed, they sall be
otherwayes tryed at the discretion of the Lords of Privie Counsell."

Holyrood House, 13th April 1632.

Complaint by James Lumison of Mordington, in Mordington-head, his
mother and brother, against Sir James Douglas of Mordington for carrying
prohibited weapons, for assault, and for injury done to the comun-
plainers' lands and goods.

Complaint by Sir Thomas Hope of Craighall, knight baronet, his
Majesty's Advocate, and James Lumison, heritable proprietor of the
Templeland in Mordingtounheid, Elspet Ramsay, his mother, liferenter
thereof, and John Lumison, his brother, as follows:—Notwithstanding
the frequent prohibition of the bearing of hagbuts and pistols, on
September 1628 Sir James Douglas of Mordington, accompanied by
John Toshe, Patrick Torrie, William Anderson, John Simson,
Archibald Wilsoun, Arthur Wedderlie, Robert Speir, John and Adam
Turnbull, sons of Adam Turnbull in Lintles, Peter Turnbull in Cwikiefeild,
Alexander Lawder, John Gordoun, and Alexander Torrie in Mordington,
and Carill, servitor to the said Sir James, with others of the lieges
to the number of , armed with swords, staves, hagbuts and pistols,
and other weapons, came to the complainers' lands of Mordingtoun where
they "wer winning and shealing thair cornes, threatened and minassed
thame of thair lyfes, and the said Sir James himselfe persewed the said
John Lumison with ane haquebut from Mordingtoun to Petigarloch,
within the bounds of Bervick, where he crullie hurt and woundit the
poore man and had not failed to have slaine him if he had not beene
returned from his hands. And immediatlie thereafter the said Sir
James returned backe and with ane great battoun strake the said Elspitt
Ramsay, ane aged woman of fourscore yeeres, in diverse parts of her
bodie, to the effusion of her blood in great quantitie, and brake twa
sinewes in her right hand." Again, in March 1629, the said Sir James,
accompanied as above, came to the foresaid lands and cruellly and
unmercifullly assailed the complainers, "brace the said John Lumisons
shoulder blade in twa, hurt, bursed and bruised Margaret Craw, spouses to
the said James, she being great with childe, quahir fo she parted to the
hazard of her life, and woundit the said Elspitt Ramsay at that tyme lyke-
1632. CHARLES I.

wayes to the effusion of her blood.” Then, shortly afterwards, Sir James, accompanied as above, came to the complainers’ said lands after they had sowed them thereof, and unlawfully tilled the same and possessed himself thereof, and in the following harvest, “shoore, intro-meddet with and carried away the hail cornes” thereupon, the said James being at the time in his Majesty’s service at the Rotchell, in consequence of which his brother and mother and their poor families were forced to beg. Ever since then Sir James has pastured sixty nolt, sixteen horses, and eighty sheep upon the complainers’ lands. Further, in April 1631, Sir James, accompanied as above, came to the said lands, “violently demolished thair dwelling houses being upon the same, kuist forth thair goods and geir being therein; and when as the said James Lumisdin had begged ane little hutt for himself, his mother and childrene to kepe thame frome stormes of weather, the said Sir James and his complices rugged the hous down to the ground and had almost smored thame and three young children.” Now, lately, in February, Sir James and his accomplices came and took the march stones out of the complainers’ lands and carried them to Mordingtoun, where he is to build a house. Moreover, at their Lordships’ direction in last the complainer renounced to the said Sir James the two merk land which lies runrig with the lands of Templeland and Butterdene, but Sir James, not content therewith, came on accompanied by Cockeburne, sheriff depute of Berwick, and took possession not only of the renounced lands but also of the complainers’ other three lands, violently intruding himself therein when he could not get access by law. The complainer has accordingly been reduced to extreme misery and beggary, and, in addition, Sir James has precluded the defender from taking legal redress by putting him to the horn. All this course of conduct being expressly against “his Majesteis lawes and Acts of Parliament, to the undoing of the complainers, simple poore creatures, his Majestie has willed the Lords of Privie Counsell to take speciall notice and tryell [thereof] and accordinglie to censure and punish the delinquents.” Charge having been given to the said Sir James Dowglas, Alexander Lawder, John Gordoun, James Carlill, Patrick Torrie, Archibald Wilsoun, Antoun Wedderlie, Robert Speir, William Andersoun, Alexander Torrie, and John and Peter Turnbull, and the pursuers appearing personally, and of the defenders, Sir James Dowglas for himself and Alexander Lawder, his servant, also Patrick and Alexander Torrie and John and Peter Turnbull, and parties and witnesses having been heard, the Lords assozlie Sir James from the first, second, third, and fourth articles of the above complaint, of which the first and second were referred to his oath of verity and he thereupon sware negative, and the third and fourth to the evidence of witnesses who failed to substantiate them. Further, the Lords remit all points to the decision of the Lords of Counsell and Session; and because the complainer, James Lumisdin, has very maliciously calumniated the
said Sir James to his Majesty, "and hes fasched his Majestie without 
compleaning to his Majesties Counsell and craving of justice aganis 
the said Sir James before thame, thairfor and to the intent others 
may be affrayed to importune and fasche his Majestie heerafter with 
such false reports and calumnis without first compleaning to his 
Majestie Counsell, the said Lords ordains the said James to be com-
mitted to waird within the tolbuith of the Cannogait, therein to remain 
upon his awne expenses ay and quhill he be fred and releeved be the 
saids Lords."

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and 
Robert Prestoun of Craigmiller, as follows:—The bearing of unlawful 
weapons and convocation of the lieges in arns has been often pro-
hibited. Now the said Lord of Craigmiller, having obtained a decret 
of removal from the Lords of Counsell and Session against John Vernour 
of Achindynnke for removal from his lands of Nether Achindynnke, 
which are a part of the complainer's barony of Prestoun and Gourtoun, 
emfore the same by letters of horning, of which Vernour purchased a 
suspension, and this being discussed, the complainer's horning was found 
orderly and ordained to be executed. Letters of ejection were accord-
ingly raised and charge given to the Laird of Corstorphine, as sheriff-
principal of Edinburgh, to enforce the same and place the complainer in 
possession of his said lands. This the said Sheriff did upon 20th March 
last, as an instrument taken thereupon bears. The complainer then 
learned that Vernour was meditating some violent revenge and so put 
him to lawburrows, hoping thus to prevent his lawless designs and 
secure himself. But upon 6th April instant Vernour assembled together 
some twenty-four persons, armed with swords, steelbonnets, hagbuts, 
pistols and other weapons, among them being George Vernour, apparent 
of Achindynnke, James Vernour, his brother, William Soot in Lowstoun, 
John Purdie in Auchindynnke, Gilbert Pennyculk there, Patrick Broun in 
Grayknow, and James Thomson there, and came with them to the said 
lands, "entered plewes upon the same and sew and harrowed a paert 
thairst." The complainer, getting notice of this, endeavoured in a legal 
way to make interruption to their proceedings by sending some of his 
associates "boasted and minassed" them, and attacked several of 
them, viz., "Johne Thonesoun who wes sawing, dang him to the ground, 
and gave him manie blae straikes, reft the scheit frome his neck, and 
rave the same, violentie continewed in the teilling, harrowing and 
sawing of the saids lands," and would have killed some of the servante if 
the minister of the parish had not come and stopped them. Charge 
having been given to the persons named, and the pursuers appearing but 
the defenders not, the Lords ordain them to be put to the horn and 
escheat.
Complaint by Janet Love, wife of James Galbraith in Grenock, and the said James for his interest, as follows:—A person lately burned for witchcraft "under the vehementie of the tortour for her ease and releffe, delayed the said Jonnet and diverse others honest and famous persons as guiltie of that cryme," and Mr. William Cochrane, sheriff-depute of Renfrew, merely upon this deposition, apprehended her and kept her prisoner with himself for a time, and then "sent her to Mr. John Hamiltoun, minister at Innerkip, who instead of powerfull exhortatiouns, prayers, and other meanes of that kynde dew to be performed be persons of his calling, cruellie caused tortour the complainer with bow strings, stob her with preins, lay her in the stockes, call wedges on her schinnes and otherways most miserabele intreate her, thinking thereby to extort from her by tortour that quhairof she is most innocent." To prove her innocency she is most willing to stand her trial before his Majesty's Justice and his deputes, the said sheriff-depute being altogether a partial judge to her in this matter. Parties being called and the pursuer comparing by William Playfair, her procurator, and Mr. William Cochrane appearing for himself and the said Mr. John Hamilton, and having been heard, the Lords continue the case till 5th June next, and ordain the said sheriff-depute to put the pursuer to liberty, as Robert Sempill of Noblestoun has become cautioner for her in 500 merks that she will appear before their Lordships on the said day and insist in this complaint.

Complaint by Helen Widdrow, widow of John Henderson in Bar- phillian, as follows:—About seven weeks ago Mr. William Cochrane, sheriff-depute of Renfrew, came under cloud and silence of night to her house in Barphillian, and entering therein put violent hands upon her, "medled with the keyes of her kists," and carried her as a prisoner to the house of Robert Sempill of Noblestoun, where she has since been kept captive, she being his Majesty's free liege and no charge being preferred against her. Charge having been given to the said sheriff-depute and Robert Sempill, and they comparing and producing the complainer in terms of their charge, the said Robert Sempill protested that he had satisfied the obligations of his bond of cautionry in producing the complainer, which the Lords admitted. Parties having been heard, the Lords ordain the said Robert Sempill to carry the pursuer back to Glasgow and deliver her to James, Archbishop of Glasgow, whom they request and desire to examine her, peruse the depositions and charges that shall be given in against her, and report his opinion upon them and their relevancy on the first Council day of June next. And the Lords take Robert Sempill bound under a penalty of 500 merks to convey the said Helen Widdrow to the said Archbishop, and to produce her before the Lords on six days' warning.

Supplication by John Ahanna of Sorbie, as follows:—The Commiss- sioners for the Surrenders and Teinds have assigned to him a certain day in June to report the valuations of the presbytery of Wigtoun, of which
he is convener, but he dare not attend that service, on account of some civil hindrances under which he lies, without a protection from their Lordships. The Lords grant him till 7th June next, with this declaration that if report be not made of the valuations foresaid by that day no continuation of his protection will be granted.

Supplication by Patrick Fleming in Carbraine, Patrick Fleming in Ballow, Malcolm Fleming in Cardrone, William Fleming in Persieland, and John Fleming, bailie of Biggar, as follows:—They are heavily distressed as cautioners for John Fleming of Carwood by his creditors who, though they have received (after submission to the Lords of Session), a disposition from the said John of his whole estate and living for payment of his debts, yet very rigorously press the supplicants by captious and otherwise, in consequence of which they are not only personally injured, but the affairs of their master, the Earl of Wigtoun, are like to miscarry, as all of them are either domestics, bailleys or chamberlains to them. They therefore crave their Lordships’ protection for a time. The Lords grant them this till Lambmesse next, but solely against any of the Laird of Carwood’s debts.

This day Michael Scot in Leslie, Marion Scot in Plesance, and John Turnbull, her husband, came before the Lords and gave in the copy of letters which had been raised against them at the instance of John Aitkine, younger of Rescobie, charging them with forgery of a summons under his Majesty’s signet, by which he had been charged at their instance and at the instance of his Majesty’s Advocate for breaking an arrestment and the taking of 100 merks of composition from him to pass from the complaint, and they protested that as the said John Aitkine had not compared to insist, and as they were present and ready to answer, nothing should proceed in that cause until they had been summoned of new, and their expenses paid; which protestation the Lords allow.

Complaint by the musicians of his Majesty’s Chapel Royal, as fol. 357, a follows:—Edward Kellie, one of their number, has privily stolen a signature through the privy seal, dated at Whitehall, 28th November, 1629, without the consent of the dean and chapter, whereby he takes power to uplift the chapel rents, ordinary and extraordinary, although the complainers are provided thereto by gifts under the privy seal, and have been for many years past in possession of the same. He intends to serve inhibitions’ and arrestments upon the complainers’ duties, lift them from his Majesty’s Exchequer and dispone upon them at pleasure “to the running of the ancient foundation of the said chappell and the complainers great hurt and prejudice.” Charge having been given to the said Edward Kellie, who compared, and the complainers appearing by Andrew Sinclair and Alexander Hay, one of the musicians, the Lords, after hearing parties, “discharges the said defender of all raising of anie
letters of inhibitory agains the said persewers be vertew of his said gift, or making of anie interruption to anie of the musicians in what they presentlie possesse till he be allowed be the Counsell.”

Most sacred Soverane, Having receeved order frome your Majestie for payment making to the Erle of Linlithgow of what should be found dew to him as Admirall out of these moneys that arose by the sale and pryce of the goods being within the Lubick ship and wherof ane great part was applied towards the payment of certane mariners who before that tyme wer employed in your Majesteis service here, in obedience to your Majesteis royall command and directioun we caused produce before us the acts, als weill of Counsell as Excheker, made in that bussines and after consideration thereof we find by a fitted compt that the whole moneys arising by the sale of these goods whiche com to your Majesteis use extends to the soume of ten thousand ane hundreth 22fl. 5s. 4d. and no farther; and albeit the said Erle of Linlithgow hes offered to qualifie to us that ane great part of the saied goods wer spoyled with salt water and made unprofitable both to your Majestie and to him and that the rest of the goods wer sauld at suche shape pryces and rates as will no wayes answer in proporcioun to his payment of that quhilk by course of law he may lawfullie clame, besides the annueltrent of the saied moneys which he alleges to be dew to him, yitt we have absteanned to meddle with anie farther triell therein saiff to consider of the right quhilk the said Erle hes of the same, whiche we finde cleere by ane decreit and sentence givin in the Court of Admiralitie quhairby the fore-said shippe and goods wer adjudged to the takers as lawfull pryze and be ane assignation made be the takers of all right whiche they may pretend to the said ship and goods. And tuechinge the annueltrent fore-said and losses otherwayes sustaneen be the said Erle we humbelie recommend the same and the meanes of his satisfaction to your Majesteis royall consideration, and so, etc. Halyrudhous, 13 Aprilis, 1632. 


“The Lords of Secret Counsell continewes the booking and extracting of the first interloquutour tuechinge the Erles of Roxburgh and Bugcleuche their declarstion to relinquishe and quitclame all right that they may have or clame by the foreftaltour of the lait Erle of Bothuell to suche lands as they contende to bruike be another right, and theirfuir aucth not be valued till the partieis whom it concerneis be more fullie heard; and ordains the second interloquutour to be booked and extracte givin thairof to the partieis, of the quhilk the tennour followes:—
The Lords of Secret Counsell assignes to Robert, Erle of Roxburgh, and Walter, Erle of Bucleuch, on the one part, and Francis Steuart, sonne to the lait Erle Bothuell, on the other part, the eight day of Junij nextoome for summing of witnesses to prove the worth and rentall of the lands and teinds brooked be the saids Erles in the right of the forefaltour of the said lait Erle of Bothuell in maner following, to witt, What they payed of before to the Abbots of Kelso and Erles of Bothuell; What they have paid since and presentlie payes to the Erles of Roxburgh and Bucleuch; and What the saids lands and teinds ar worth; of the assignatioun of the whilk dyet both the saids parteis being personallie present ar warned apud acta. And the saids Lords with consent of parteis declares that if after the said eight day of Junij another terme sall be allowed for further diligence the same sall proeceed and receave executioun upon ten dayes warning. In obedience whairof the saids parteis being personallie present they nominat the persouns underwrittin, to whome in caise of thair absence furth of the crountrie the copie of the charges to be execute aganis thame sould be delveredy, viz., the Earl of Roxburgh nominat John Learmonth, the Erle of Bucleuch, Laurence Scot, and Francis Stuart, Mr Robert Craig."

"Forsameeckle as the Lords of Secret Counsell by ane act and ordinance of the 23 of Marche last hes assigned to Robert, Erle of Roxburgh, and Walter, Erle of Bucleuch, on the ane part, and to Francis Steuart, eldest lawfull sonne to Francis, sometyme Erle of Bothuell, on the other part, the eight day of Junij nextoome for proving hinc inde the worth and rentall of the lands and teinds underwrittin whiche ar possest be the saids Erles of Roxburgh and Bucleuch be vertew and in the right of the said lait Erle of Bothuell his forefaltour, to witt—the lordship of Liddiedaill containing the lands following, viz., the lands of Bilhope and Makpatrikhope possesst be the Erle of Bucleuch; Dinlay, possesst be George Scot; and the nixt stead, Armetage, possesst be William Elliot; Overraw, possesst be Archibald Elliot; Fouschellis, possesst be the Bishop of Caithness; Reidheuca, possesst be Thomas Armestrang; Rouraltonholme and Aldscheallis, possesst be Johne Scot; Willlock, possesst be Alexander Armestrang; Blaikburne, possesst be Walter Gledstanis; Parke callit Copenhaholme, possesst be James Scot; Fissillheill, Stannygill, Tynneisburnheid, Foulwodles, Gulyefoot and Christiahill, possesst be the Shireff of Tiviotdaill; Whisgills, Over and Neather, and Ridmos, possesst be Thomas Wilsoun; Porterleyne Greina, possesst be Archibald Douglas; Flatt and Schortbus, possesst be Francis Robesone; Mangertoun, possesst be the Erle of Bucleuche; Greenesse, possesst be Jock and Niniane Armestranges: Zairdhoues, possesst be Archie Tailyceur; Westerburnflat, Belsches and Whithauche, possesst be Lancie Armestrang;
Byreholme, posset be Mr Walter Scot; Neather Harden, posset be Sandie Armestrang and Will in the Mylne; Helene of Tweidmes lands, Clintwod, posset be James Elliot; Dinlabyre and his lands, Lareistoun, Howdoun, and Sheipshelden, posset be Robert Pringill; Burnmouth, Overheucheshow, Neather Hietreis Dyke, Kilfurde and Byresteids, posset be Gawan Elliot; Steid forenent the Hirdhous, Hundhous, posset be the Erle of Buckleuclie; Wheilkirk, Helcadrounburne, Singdoun, Cleifhoph and Abbotsbaw, Dastounburne, posset be the said Erle; Hoillis in the gait with the pertinents perteaneing to Robert Elliot of Dinlabyre; the Hill, Streuchehill alias Stitchelhill, Laidhop and Qubithop, posset be Gilbert Elliot of Stobs; Ruchlie, posset be the said Erle; Flocksteid alias Plasket, posset be John Scot, bailie in Liddisdail; Over and Neather Cloose alias Welshaw, sett to John Scott and Gawan Elliot; Myleneholmes and Eddiltoun, posset be David Goudie and James Mitchelssone; Tweisliehope, posset be the said Erle; Catlie, Dynla, Over and Neather Tynesibusburne and Civishill, Stanygill, Fawhead alias Foulwod, Wilwigholmes steid, Megie Tweidmes and Wheisigills, Ratounholme, Copshaholme, Guylidfoot and Crysthill, Pollok and Kirkhill, posset be Thomas Ker of Ancrum; Eddiltounside and the pertinents, Porterlampet, posset be Sandie Armestrang; Noltares, Hietreip, Burnmouth, Dastonburne, Prickinhauche, posset be Hab Hendersonsone; Todcleuclie alias Todcleucheside and the pertinents, Fairside, Tailside, Cleucheside otherwayes designed Falset, posset be Hab Hendersonsone, Lehauche, Pocohoparke, Weithhauche, posset be Will Armestrang; Twa steids Over and Neather, with the pertinents' thairof called Roksteid, Neirland and Podotoun, posset be Francis Beatie; Baggat, posset be Hab Elliot; the Southside of Tarris, the lands of Chamberlaine Newton, the lands of Wester Crichtoun, Castelmaynes and Blakcastell, posset be Adam Wauchop of Caikmure, the lands of Laidhope, Lauchquerret and Hagbrae, the maynes of the provest place of Crichtoun and teinds of the parish of Crichtoun, the silver dewtie of the lordship of Hales, the kaine foullis of Trapren, and four husband lands alledged posset be the Bishop of Dumblane and Mr Francis Collace; the teinds of Markill; the lands of Maynshill and Standingstane.

The lordship of Kelso perteaneing to the Erle of Roxburgh, conteaneing the lands and teinds following, viz.—the hundreth merkland of Kelso, the teinds of Kelso town, the coathouses and tenements of the town of Kelso, the teinds of Broomlands, the mylnes of Kelso, the few dewteis, the great and small customes of Kelso, the easter and mid toune of Sproustoun, the teind of Sproustoun, the fishing and ferrie cobill, the mylne of Sproustoun, the lands of Reddin, the teinds of Haddin, the teinds of Maxuelleuch, Brigend Maynes, Wodin and Howdin, the Erle of Roxburghs part of the Kirk of Nenthorne, the teinds of the toune of Bowden, the mylne of Bouden, the toune of Midlem, the mylne and mylne lands of Midlem, the kirks of Kelso, Maxwell and St. James united, the kirk of Sproustoun, the kirk of M'Kairstoun,
the ten lands of McKairstoun, the kirk of Mow, Bowden, Lyndene, Nenthorne, Langtoun and Symprene, Hornden, Selkirk, Innerlethein, Ful. 123, a. Hopealiey, Symontoun, Caldercleir, Humbie, Lyntoun, Dunyre, Dumfreis, Traillfat, Dungrie, Mortoun, Cloalurine, Carlouke, Wolston, Robertoun, Kilmares, Duddingstoun, and Peterculter; and that in manner following, viz.—What they payed of before to the Abbes of Kelso and Erles of Bothwell; What they have payed since and presentlie payes to the Erles of Roxburgh and Buccleuch; and What the saids lands and teinds ar worth: Thairfor ordains letters to be direct for summounting of witnesses at the instance of the parteis respective abonenamed to conipere before the saids Lords upon the said aucth day of Junij nixt to depone what they know or sall be speirit at thame tuichinge the worth and rentall of the lands and teinds abonewrittin under the pane of rebbliouin, etc., with certificantioun, etc.; As alsu charging all and sindrie persons in whose hands anie tacks, writs or evidents quhatsomever, quhilks may concerne the cleering of the worth and rentall of the lands and teinds abonewrittin ar, to compeer, bring and produce the same before the saids Lords the day foresaid, under the pane of rebbliouin, etc., with certificantioun, etc."

"The whilk day the Lords of Secret Counsell having heard the petition givin unto thame be Francis Steuart, sonne to the lait Erle of Bothuell, by the whiche he craved the patronages of certane kirks of the earedome of Bothuell, whairof the Erles of Roxburgh and Buccleuche respective ar patrons, to be valued with the temporalitie of the said lait Erle of Bothuell his estait, with the answers made thereto be the saids Erles of Roxburgh and Buccleuche, and having lykeways heard and considirrit his Majestie's letter direct unto thame in this mater, whiche is the rule and warrand of their proceedings, and being weill advised therewith and with all that was propouned and alledged be either of the saids parteis in this busines, the saids Lords finds by interloquytour that under the tryell of the worth and rentall of the lait Erle of Bothuell his estait, there fallis nothing to be valued in the spiritualitie thairof bot the teinds of suche churches allanerlie as formerlie belonged to the lait Erle of Bothuell, and ar now posseit be the Erles of Roxburgh and Bucleuiche in the right of the forefaltour, and whairof ather the teinds thameselfes or a rent for the same ar payed to the saids Erles; and finds that the right of patronage cannot be valued in regarde ther is no rent payed to the saids Erles for the same."

"The whilk day the missive letter underwrittin, signed be the Kings Majestie desiring that the trial of Alaster Grant be post-poined till the iist of August next."

Letter from his Majesty desiring that the trial of Alaster Grant be postponed till the 1st of August next.

Declaration anent Francis Stewart's claim to the spiritualities of the Abbey of Kelso.
and right weilbelovit cousine and counsellour, right trustie and weilbelovit
cousines and counsellours and right trustie and weilbelovit counsellours,
we gret yow weill. Whereas upon good consideraunts mentioned in
our letter unto yow tuicheing Alaster Grant, we wer pleased that his
tryell sould be continued till the tenth day of April ensweing, the lyke
reasons moving us that a longer tymbe be granitit, our pleasure is that
his tryell be continued till the first day of August nixt ensweing, before
whiche tymbe we will expect that further light sall be givin in that
bassines, and in the meane tymbe that yow give order for composing of
the differences amongst the name of Grant, taking suche suretie as is
requisite of anie person whom yow thinke may disturbe our peace in
these parts; whiche recommending to your care we bid yow farewell.
Frome Whitehall, the 18 of Marche, 1632."

[Sederunt as recorded above.]

Supplication by Edward Kellie, as follows:—There was a precept by
the Bishop of Dunkeld, Dean of his Majesty's Chapel Royal, dated 7th
March, 1627, for deprivation of the prebendaries, on which account and
in order that none but qualified persons should have place in the chapel,
his Majesty wrote to the said Bishop that his object was to remove the
"insufficient" and replace them with "sufficient" persons. At this
time Robert Winrane and William Scot were "deprived from the place
of chantour and the supplicant be tryell was admitted to the same," and
has the gift thereof from his Majesty, dated 17th March, 1628. Further,
on 18th February, 1629, he obtained from his Majesty, with consent of
the Lords of Exchequer, a signature for augmenting the rents of the
chapel out of his Majesty's Exchequer "till the foundation thairof was
established, three thousand merkes per annum," and he has also "ane
power past the privie seale with consent of the said Bishop for uplifting
and ingadderine all the fees, dewteis and casualiteis pertaininge to the
said chappell, as aulae to receave the foresaid interim of three thousand
merkes, and to establise suche order therein with his consent as nane
sould serve bot qualified personis, and suche being establised in place,
to avoide contentiouin sould be made alike in fee, nane to have more
than another, but that these who have most of the rents and benefices
sould have lesse of the interim, and that these who have least of the
rents and benefices sould have most thairof." The signature was passed
on 28th November, 1629, and afterwards he received Articles written
and subscribed by the said Bishop on 10th April, 1630, ordaining him
"to take band of musicians to attend the said service," which he
accordingly did on 22nd April, 1630, in which the order of the said
chapel is subscribed by them. These and many other things the suppi-
cant has done towards establishing order and competent musicians, also
providing music for them, and he desires their Lordships to examine his
signature in which "they will find the ratifeing of his former powers to be the farthest of his presumptioun," and that he infringes no man's rights, save that persons who are incompeitent may be deprived, and those who are admitted shall be tried and examined first as to their competency, and not come in as formerly by paying certain sums of money. He is bound to his Majesty for the performance of his duty, and craves that he may have the benefit of his Majesty's letter and commands. As at Court Mr. George Fletcher and James Philpe were appointed to compare his former warrant with his present signature before his Majesty granted it, so he craves that their Lordships would appoint some to re-examine and compare it with his former gift and powers, and also that they may examine his accounts and discharges, and so provide that the musicians may not suffer for what the supplicant has received, which is only what was justly due to him. The Lords appoint John, Lord Stewart of Traquair, Deputy Treasurer, Sir John Hamilton of Magdalens, Clerk of Register, and Sir Thomas Hope of Craighall, knight baronet, his Majesty's Advocate, to peruse and consider the said signature and report thereon to their Lordships on the first Council day of July next, ordaining that the same be open for inspection by all parties concerned so that they may lodge their objections on that day; Fol. 358 b, and they take the said Edward Kellie bound upon his faith and credit to appear that day, and that meanwhile he will not meddle in any matter concerning the Chapel Royal, nor make any remonstrance nor report to his Majesty as to the behaviour of any Councillor in the matter of the said signature.

Charge having been given to Andrew Quhyte, James Allane, James Weir, elder, Thomas Paterson, Thomas Armestrang, Alexander Brysoun, Robert Lawrie, and Patrick Halyburton, creditors of Cuthbert McKean, tailor, burgess of Edinburgh, to compear before their Lordships and see a protection granted to the said Cuthbert, and they being called and Andrew QuhYTE alone appearing, who consented to the protection being given, and the said Cuthbert McKean also being personally present, the Lords grant him their protection till the first Council day of November next.

Charge having been given to Robert Persoun, flesher in the Cannogait, and James Persoun, his son, to appear and see a protection granted to James Crawford, goldsmith, and both parties compearing and having been heard, the Lords grant their protection to the said James Crawford till the first Council day of July, but they declare that they will grant no further prorogation of this warrant to the said James.

Complaint by John Peter, Writer to the Signet, as follows:—In Fol. 359 b, March last Mr. James Lyoun, minister at Inchebryack, agreed with the complainer "to forme, writt and guild to him ane testimoniall under the great seale of the lawfull birth of Captane James Murrey, now serving under the King of Pole, with the testificat of the same fra ceretane of his
speciall and naret freinds for obteaining ane warrand for appending the said great scale there; and having delveryed to the compleuner twa dollours in arles thairof, promising to pay the rest how soone the testimoniall should be perftyed and eduit be the compleuner; conforme quhairunto the compleuner wrote and formed the said testimoniall and testificat and delveryed the same to the said M’ James who tooke the testificat over the water and caused the Captans freinds subscryve the same and send it backe to the compleuner againe for outredding the testimoniall; who accordinglie drew up ane supplication and gave in the same with the testificat to the Lords of Privie Counsell for ane warrand to append the great scale to the testimoniall; quhilk being past in the moneth of March last, Androw Sinclare, musician, come in the compleurers name to M’ Gilbert Prymrois, Clerk to his Majesteis Privie Counsell, and receaved backe the warrand with the testificat produced be the compleuner, quhilk he yitt keepes and deteanes from him, and thairupoun hes caused another writt the said testimoniall, the compleuner having long agoe conforme to the agreement foresaid writtin and guilted the same and presented it to Sir Johne Scot, Directour of his Majesteis Chancellarie, to have beene exped le him; but the said Androw Sinclare having the testificat of the freinds and warrand of the Counsell in his keeping intende to procure the scale to the testimoniall quhilk he hes caused ane Inglishman write to the discrete of the natuoun and the compleurers hurt and prejudice.” Charge having been given to the said Androw Sinclare to comppear and deliver up the warrant to the complainer and to see the testimonial written by the said Englishman cancelled and destroyed, and he and the pursuer both appearing, the Lords, after hearing and advising, ordain the testimonial written by the said John Peter to pass and the great seal to be appended thereto and to no other.

Supplication by Helen Hamilton, widow in Leith, as follows:—Since her liberation from the tolbooth of the Cannogait “M’ David Forrester, minister at the Bridge end of Leith, thinking himselfe so far behind that he gott not her lyfe according to his intent, hes not onelie made his moyen with her landsladie and caused her sett the supplicants hous and will not suffer her to dwell in Leith, bot makes her so odious that none will sett her ane hous. And she having removed her selfe out of his parish to Prestounpanss where she was borne, thinking there to have remained with her mother and brother, the said M’ David hes not onelie caused there also make her odious and moved M’ Johne Ker, minister to remove her aff these bounds, bot also if she would goe to the farthest parts of Scotland, he intends to doe the lyke, without anie just caus or occasion, to the compleurers utter wracke and ruine.” She therefore craves that their Lordships would grant her their warrant “to dwell where she may most commodiouslie live.” This the Lords do and
discharge "all ministers fra troubling her otherways nor be ordour of law and justice as they will answer upon the contrarie at thair perrell."

Charge having been given by James Bannatyne, son of Mr. Patrick Bannatyne, writer; Martin Leitch, servitor to the Earl of Lauderdale; John Halyburton, younger of Mertoun, John George, merchant in Edinburgh, Robert Monteith there, Androw Dowgall and Walter Gibsoun, tailors in Edinburgh, Mr. David Gourley there, Johne Winrahame, and James Forysthe, creditors of Ralph Ker of Ridpath, and Robert Ker, his son, to appear and see a protection granted to the said Ralph Ker and his son for selling their lands to satisfy their creditors, and the said Ralph Ker and his son comparring with John Halyburton of Mertoun, who consented to their receiving a protection until 5th June next, the Lords grant their protection to them until that day; and further declare that if the said John Halyburton of Mertoun does not oppose this warrant upon 5th June next that the same shall run and remain effectual against the abovenamed creditors till 20th June next.¹

"The Lords ordanis James Lumisden to be deteanned still in ward till the first Counsell day of Junij, and modifieis to him fyve shillings in the day to be payed to him be Sir James Dowglas of Mordingtoun."

"CHARLES R., Right, etc. The companie of gens darmes in that our kingdome appointed for the service of our brother, the Frenche King, being at this tyme to be levied and transported into France by our right trustie and weilbelovit counsellour, the Lord Gordoun, to whom the charge thairof is committed by our said brother, we speciallie recommend to yow to assist the said lord as occasioun sail require in what may anie wayes conduce to his speedie furtherance in that purpose, which we will take as acceptable service done unto us. We bid yow farewell. Frome our Court at Whitehall, the 18 day of April, 1632."

"CHARLES R., Right, etc. Whereas Johne Grant of Glenmorestoun hes long attended at our Court humbeline craving of us that we would be pleased to give order that a course might be takin for his tryell twieching some imputatiouns quhairwith we wer informed aganis him, who being willing to underly the law and to that effect to be tryed ather before the Justice Generall or anie other judicatore yow sall thinke competant, our pleasure is that yow take sufficient suretie of him for his, his sonnes, brothers and servants appearance before yow or anie judicatore thought competant by yow at suche a day as yow sall thinke fitt to prescribe, that he may injoy the benefite of the lawes as is ordinairie in the like caises. We bid yow farewell. Frome our Court at Whitehall, 21 April, 1632."

¹ Here ends a volume of the Decreta with this April 1632, JACOBUS PYMROIR. There is now docquet. "This booke begins upon the 28 day a hiatus in this Register until 19th November of Januarie 1630 and end upon the 14 day of 1633."
"The Lords of Secret Counsell according to ane warrand in writ signed be the Kings Majestie and this day presented to the saids Lords hes givin and grantit, and be the tennour heirof gives and grants full power and commission to Colonell Lumisden to levey and take up ane regiment of 1200 men within this kingdome out of all suche persouns within the same as will undertake to goe with him, and to transport the same over sea for the service of his Majesties darrest brother, the King of Sueden, he alwayes giving suche satisfactioun to everie one of the said regiment as he and they sall condescend upon according to the accustomed forme; with power to the said Colonell for the better conduct and governement of the said regiment to distribute and divide thame in competent numbers and companeis under their severall officiers and commanders over thame, and to caus towcke drummes, display cullours, and to doe and performe all and everie thing that towards the uplifting, transport and conduct of the said regiment is requisite and necessarie; with als ample power, libertie and jurisdictioun as anie others colonells, officiers and commanders formerlie hes had within this kingdome: Firme and stable halding and for to hald all and whatsoever things the said Colonell sal lawfullie doe heerin: Commanding heirby all judges, officiers and magistrats to burgh and land that they and everie one of thame within their several bounds and jurisdictiouns assist the said Colonell, his officiers and commanders in all and everie thing tending to the executioun of this commission, and to doe nor attempt nothing to hinder nor frustrat the same: And if anie persoun or persouns who sall receave pay and inroll themselfes under the charge of the said Colonell his officiers and commanders, and thereafter sall abandoun and leave their service, that than the saids judges, officiers and magistrats, upon complaint to be made and verified to thame, doe justice therein accordinglie. Followes his Majesties missive for warrand of the act abonewritten. CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greit yow weill. Whereas our trustie and weilbelovit Colonell Lumisden hath caused move us in behalfe of our brother, the King of Sueden, for our licence to levey a regiment of men in that our kingdome for his service in the warres, to the effect all expedition be used for furthering of him therein, our pleasure is that with diligence yow grant unto him ane sufficient warrand with als ample commission for leveying and transporting of that regiment as heeretofore hath beeene grantit to anie; and to that effect that yow grant licence to towcke drummes, he alwayes giving satisfactioun to everie one of that number as he and they sall condescend upon, according to the forme accustomed; for doing quhairof these presents
sall be your warrant. Frome our Court at Whitehall, the 13th day of April, 1632."

Sederunt—Chancellor; Stratherne; Buccleuche; Sir Thomas Hope.

"Forsameekle as the Kings Majestie upon very just groundwork and warrant grantit letters of reparisall to Captane James Orrock aganis the citie of Hambourgh to the behove of the executours and awens of umqhull Captane David Robertsone his ship and goods, and the said Captane Orrock having latelie be vertew of the saide letters of reparisall takin ane ship of Hambourgh callit The Jonas loadned with cornes, pack goods, drywair commoditeis and other goods, and having brought the said ship to the port and harberie of Leith where he expected that the ship and her loadning sould have beene in suretie till she sould have beene declared according to the course of law and that none of the companie and equippage of the said Captane Orrock his ship durst have presoomed in a seditious, factious and mutinous maner to have used anie violence aganis him, his ship or goods, but to have perseeved their clames if they anie had, by dew course of law, nevertheles some of the companie and equippage of the said Captans ship, mistakinge the difference betuix ane letter of marque, whilk is usuallie grantit aganis declared enemies to the Crowne and Estait, and ane letter of reparisall, whilk is onelie granted where justice is refusit anagis freinds and confederats, have alreadie begun to pillage the said ship callit The Jonas, and hes at thair awne hand without forme or order of law intrometted with some kists, cloathes and other small commoditeis belonging to the said ship callit The Jonas, and out of thair ignorance they doe unjustlie acclame a thrid of the said ship and goods to be dew to thame for thair shair, intending be way of deid in a violent and unlawfull maner to meddle with the said ship and goods under cullour of thair thrid part, disdaining to prosecute thair clame and interesse, if they anie have, by dew course of law, to the high and proud contempt of his Majestie, disgrace of his government, and to the encouragement of lawlesse, insolent and seditious persons to commit the lyke, without remeid be provydit. And whereas the Lord Great Admirall of this kingdome out of the dewolftie of his office hes appointed some honest and sworn men to keepe the said shippe callit The Jonas, and to watche the same and goods being thereintill and to give infromation of all abuses and wrongs that sall be intentit or committed aganis the said ship, to the intent the same ship and all the goods being thairin may be made furthecommand to all parteis claming interesse as law will, thairfor the Lords of Secrett Counsell ordains letters to be direct charging the sworne men abonewritten to have ane speciall care and regarde of the preservation and keeping of the said ship and goods and withstanding of all violence that sall be intendid or attempted aganis the same; and for this effect
that they keepe aboord the said ship callit The Jonas, or in sellers whairof the keyes sall remaine in the owners keeping, the whole kistes and seckes of the companie of the said Captane Orrock his ship wherein their cloaths and others commoditie s ar, to remayne under his Majesties arrestment unintrometted with be anie persoouns whatsoever till tryell and order be tane for pillaging of the said ship of Hamburgh; and siclyke to fence and arrest the whole kistes and seckes quhilks ar aboord of the said Captane Orrocks ship callit The Lyon or aboord of the other pryze callit The Prophet Daniel whill the same be searched and inventar tane thairof be order from the said Lord Admirall or his deputys; and siclyke to command, charge and inhibite the haill companie and equipage of the said Captane Orrocks ship except himselfe and his liueniour, who must be answerable for the behaviour and cariage of the companie, that they in no wayes presomone nor take upon hand to goe aboord of the said ship callit The Jonas; and if anie of thame be alreadie aboord of the said ship that they come ashoare, and no wayes presomone thereafter to goe aboord of the said ship under whatsoever cullour or pretext, within three hours after the charge, under the pane of death, with certification un to thame and they failyie the said pane sall be execute upon thame without favour."

"CHARLES R., etc. Being informed of the qualitie and sufficiencie of our trustie and weibelovit George Stirling of Keir and of his affectioun to doe us good service there our pleasure is that with all ceremonie requisite yow dub him knight according to the use and custome of that our ancient kynghome observed in the like caises; and for your so doing the presents sall be your warrand. Frome our Court at Whitehall, the first of May, 1632."

"Sedentum—Chancellor; President; Privy Seal; Wintoun; Gallouay; Holyrood House, 2nd May 1632.

Sedentum—Chancellor; President; Privy Seal; Wintoun; Gallouay; Holyrood House, 2nd May 1632.

"Forsameeke as upon the fyft day of Marche, the yeere of God jxxvj and Warrant to the Sheriff of Fife to seize the house of Lumquinnans now held in defiance of law by Patrick Halket, his family, and others, and to apprehend and present before the Council the said persons."

Forsameeke as upon the fyft day of Marche, the yeere of God jxxvj and Warrant to the Sheriff of Fife to seize the house of Lumquinnans now held in defiance of law by Patrick Halket, his family, and others, and to apprehend and present before the Council the said persons.
settled purpose and resolution to maintaine their possessioun be way of deid, theirfoir letters wer direct and execute aganis the shireff of Fife and his deputs both for apprehending the persouns of the rebellis and for ejecting and putting thame furth and fra the lands abonewritten, the houses and pertiments thairof, and for entering the said Mr David his tennents and servants to the actuall, real, void, and peaceable possessioun of the saids lands and for mainteining and assisting thame thereintill; and the said shireff out of the dewtie of his office resolving to have givin obedience to the charges foresaidis execute aganis him, he directed one of his deputs accompanied and assisted with a number of his servants towards the place of Lunquhinnans uppon the day of to apprehend the rebellis and to have ejected thame furth and fra the lands abonewritten, quhilks they have maisterfullie and violentlie keaped and possess these twelffe or fourtene yeeres bypast, in contempt of law and justice, and how soone thir rebellis gott notice of the shireff his purpose and resolution they resolved desperatlie to oppose thaimselfes aganis the said shireff, and for this effect they fortified the saide hous with new victuall and powder, leade, muskets, hauequebuts, pistolls, garnets, and other warrelike provisioun, and they made up a little sconse neere to the said hous, stelled thair gynnes thare, and keppe the hous and sconse as ane hous of warre aganis his Majestie and his auctoritie, to the great disgrace of his royall governement: And how soone the shireff depute and his companie approached neere to the said hous, being loath to enter in blood, they sent Mr John Chalmers, minister at Auchterdern, and Mr Androw Fairfull, minister at Leslie, with James Andersone, notar, and witnesses to the saides rebellis, desyring thame in his Majesteis name to render the hous to his officiar; but the rebellis presooming upon thair awin power and strentch, having with thame ane number of souldiours latelie brought hame be thame for assisting of thame in thair violent courses, they gave ane plane and direct refuisall of obedience, protesting with manie fearfull and execrable othes that they would never rander the hous but would stand to thair defence to the uttermost and sould have the lyffes of some of the best of the companie before they randered; uttering thir blasphemous words—they cared not altho the devill tooke thame, for they behoved once to dee—as ane instrument under the hand of the said notar and ane testificat under the hand of the saids Mr John Chalmers and Mr John Fairfull, showin to the saids Lords, beiris. And so the shireff and his deputs not being cled with power and auctoritie to raise fire and to apprehend the rebellis and recover the hous be force, they retirid and come back. Quhilk publict and avowed contempt committit in the heart of the countrie by ane handfull of base and unworthie rebellis is so disgracefull to his Majestie and his auctoritie and is of suche ane wicked preparative and exemple, as it deserves ane most rigorous and sharpe course both for punishing the actors and preventing the forder
growth of such disobedience. And thairfoir the Lords of Secreit Counsell hes givin and grantit and be the tenour heirof gives and grants full power and commissioun, expresse bidding and charge to the shireff of Fife and his deputis to convocat his Majesteis lieges in armes and to pas, persew and assiege the said hous of Lumquhinnans and sconse ewest to the same and to demolishe and cast doun to the ground the said sconse; as alsua to searche, seeke and take the rebellis foresaidis and to bring and exhibite thame before the saids Lords to underly their deserved punishment; with power to the said shireff and his deputis for this effect to better the said hous, to raise fire, to enclose the same and to use all kynde of force and warrelike ingyne that can be had for recoverie thairfoir and apprehending the rebellis and their assisters being therein; and if in the pursuite and assieging of the said hous and sconse and apprehending the rebellis and their assisters thair sall happen slaughter, fire raising, mutilation or anie other inconvenient quhatsomever to fall out the saids Lords decernis and declares that the same sall not be impute as cryme nor offence to the said shireff or his deputis nor persons assisting thame in the executioun of this commissioun, exonerin thame of all pane, cryme and danger that they may incurre thairthow for ever: And ordains letters to be direct to command and charge all and sindrie his Majesteis lieges and subjects within the bounds of the shirefdome of Fife to rise, concurre, fortifie and assist the said shireff and his deputis in the executioun of this commissioun, and to convene and meet with thame when and where they sall appoint and to follow thair directionis in all things tuicheing the persute and recoverie of the said hous and apprehending the rebellis being thairin, as they and everie ane of thame will answere upon thair obedience at thair highest perrell."

"Forsameckle as the Kingis Majestie hes signified his royall will and pleasure that in the signature and patent sent doun be his Majestie anent the customes betweene Scotland and England and in the proclamations to be direct thairupon his Majesteis title and style sall be King of Scotland, England, France, and Ireland, defender of the faith, and that Scotland sall be placed before England as England is before Scotland in that signature or patent whilk is given to this kingdome till the name of Great Britane be receaved by both kingdomes, thairfoir the Lords of Secreit Counsell allowes the Lord Chancelor to append the great seale to the said patent bearing his Majesteis stile to be of Scotland, England, France and Ireland, and allowes of the proclamations direct and sent out in that forme."

"The Lords of Secreit Counsell ordains Williame, Erle of Mortoun, Lord High Thesaurar of this kingdome; Joene, Lord Trasquier, deputie Thesaurar; and Sir Thomas Hope of Craighall, his Majesteis Advocat, to persew all persouens contraveneers of the act and proclamatioun made
anent importing of dollours within this kingdome be land after the first of September, and anent the receaving of dollours in payment of coale or salt after the first of November last bypast."1

"Ane letter from his Majestie concerning Johne Gordoun, elder of Craig, and ane letter ordaind to be written to the Archbishop of St. Andrews concerning that businesse."

"Ane missive from his Majestie concerning the Lord Gordoun and assisting of him in his charge anent the gendsarmes."

"After our verie heartlie commendations to your good lordship. We Royal Letters, 1632-33. Majestie to us concerning Johne Gordoun, elder of Craig, willing your lordship to inquiere at the said Johne if he be resolved to go furth of the countrie to his soune conforme to the contents of his Majestie letter, and if his indisposition will not suffer him to goe that than your lordship direct him and with all give him warrant to kepe the first counsell day of Junij heere that with your lordships advyce he may be confynned in suche place and upon suche conditionis as is prescryved in his Majesties letter and as ar accustomed in the lyke caises. Qubilks recommending to your lordships care we commit your lordship to God. From Halyrudhous the 2 of May 1632. Subscribitor, Chancellor, Stratherne, Hadingtoun, Wintoun, Galloway Gordoun, Tracquir."

Whitehall, 2nd May 1632. Letter from his Majesty requiring that Robert Colvill of Cleish be dubbed a knight.

"CHARLES R., Right, etc. Being informed of the qualitie and sufficiencie of our trustie and weilbelovit Robert Colvill of Cleish and of his affectiouin to doe us service there, our pleasure is that with all ceremonie requisite yow dub him knight according to the use and custome of that our ancient kingdome observed in the like caises; and for your so doing these presents sall be your warrant. Frome our Court at Whithall, the second of May, 1632."

Whitehall, 4th May 1632. The same command asent Thomas Ker of Cavers.

"CHARLES R., Right trustie and right weilbelovit cousine and counsellour, we greit yow weill. Being informed of the qualitie and sufficiencie of our trustie and weilbelovit Thomas Ker of Cavers and of his affectiouin to doe us good service there, our pleasure is that with all ceremonie requisite you dubbe him knight there according to the use and custome of that our ancient kingdome observed in the like caises; and for you so doing these presents sall be your warrant. Frome our Court at Whithall, the 4 day of May, 1632."

"After our verie heartlie commendations. Whereas twa freebooters of West Flanders come yesternight the 18 day of May instant to the road of Leith and kuis anker there as if they were freinds and merchant shippes and in the night they tooke ane Fleems hay out of the raund and upon the morning they boorded and tooke within the firth some of the fleit latecile come from Holland and understanding that some wauchters ar lying upon that coust we have thought meit to give notice heirof unto yow and to request and desire yow to give advertisement to these

1 Here ends this volume of the Acta as now bound, being the first half of the original volume.
wauchters of the boording and taking of thair Fleems ships and to desire thame to make thair addresse with all possible diligence to the sea and to make search for thair freebooters and to use thair best endeavours for releef of the ships tane be the freebooters and persute of the freebooters as they sall find occasion; quhairin yow will doe his Majestie good and acceptable service. Se we commit yow to God. Frome Halyrudhous, the 19 day of May, 1632. Subscribitur, Geo: Cancell., Stratherne, Hadintoun, Mar, Areskine, St Thomas Hop."

Sedent—Chancellor; St Andrewes; Preses; Privy Seal; Mar; Holyrood House, 5th June 1632.
Linlithgow; Wigtoun; Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Lord Gordoun; Lord Areskine; Carnegie; Naper; Tracquair; Secretary; Advocate; Sir John Scot.

"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell was presented to the saids Lords and read in thair audience, of the quhilk the tennour forthe folowes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greit yow weill. Having formerlie writtin unto yow at diverse tymes how desyreous we wer that yow sould caus use all lawfull and possibill meane for better cleering of the trueth tueiching the burning of the towre of Fendraught and that justice may be execute upon whossoever sould be found guiltie of so odious and barbarous a fact in the most exemplarie maner to the terrore of all others who sould attempt the lyke heerafter, our pleasure thairfore is that for the more hastie tryvell of that bussines yow impoy one day in everie weeke upon the exact tryell of the samine (which we exceedinglie desire) and that yow never intermitt the prosecution thairof in maner foressaid till ane full conclusion be putt thereunto; and that lykewayes in your proceedour all Acts of Parliament conducinge to that purpose be dewlie putt in execution as they sall be produced be the parties insisters in the said persute; and for your so doing these presents sall be your sufficient warrand. Frome our Court at Newmarket, the fyftene day of Marche, 1632. Quhilk letter being heard and considderit be the saids Lords they out of thair dewtifull respect to his Majestie obedience and for cleering of the trueth of that mater hes thought meit and ordained that there sall be ane weeklie meiting twice everie weeke in the forenoone in the laich counsellous of Edinburgh anent the mater foressaid, and that thair first meiting sall be upon Thursiday nixt at ten of the clocke in the forenoone; and ordains these of the Counsell that ar upon the Sessioun to be excuseit from thir meitings."
"The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell was presented to the saids Lords and read in thair audience, of the quhilke the tennour followes:—Charles R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, Fol. 128, b. right trustie and weilbelovit counsellours and trustie and weilbelovit counsellours, we greet yow weill. Whereas for the better cleering of the truthe tischewing the burning of the towre of Fendraucht yow have by act of Counsell ordained Johne Meldrum to be putt to the tortour of the boots, bot have for some tyme and for some considerations delayed to take that course with him; being of late informed that there ar verie apparent presumpitious of the said Meldrum tischewing his knowledge of that fact or accident, thairfoir our expresse pleasure is that without further delay yow putt him to his tryell by tortouring him according to the said act, if yow finde no reason of new to the contrarie, and for your so doing these presents shall be your warrand. Frome our Court at Whitehall, the 28 of Marche, 1632. Quhilk letter being heard and considerit be the saids Lords they continew the answering thairof till thair meiting upon Thursdaiy next in the forenoone."

"The whilk day the missive letter underwrittin signed be the Kingis Majestie and this day presented to the saids Lords wes read in thair audience, of the whilk the tennour followes:—[Charles R.]. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we greet yow weill. Whereas we ar informed that by vertue of our letters of reprysall grantit to Captane Robertson, deceased, some ships and goods of the Hamburgers have beene takin of lait by his partners, who being to receave satisfaction of thame, we ar unwilling that these Hamburgers be troubled for anie other caus or occasioun whatsoever, to the effect that that State finding our just intentioun in what may concerne thame, good correspondence may be kepeed betuix thame and our subjects; thairfoir our pleasure is that satisfaction being maid to these partners of what saill be found dew unto thame no exactioun, custome, dettie or demand of anie money or thing whatsoever be exacted or demanded of thame, ather in behalfe of anie interest pretendit in our name or in the name of anie of our officers or subjects whatsoever. Whiche recommending to your care, we bid yow farewell. Frome our Court at Greenwich, the 18 day of May, 1632.1 Quhilk missive being considerit by the saids Lords they continew the answering thairof till the ship be first judged."

"The Lords of Secret Counsell, according to the directioun of his Majesties missive letter sent doun in favours of John Gordoun, elder of Craig, having considerit the age and inhabilitie of the said Laird of

1 This letter is also engrossed in the Register of Royal and other Letters, fol. 210, b.
Craig and finding it no ways fitting nor expedient that he should be
suffered to goe out of the country, the saids Lords with advice of the
Archbishop of St Andrewes, allowes him to remane in whatsoever part
of the country he pleases. Followes his Majestie's missive for warrant
of the act abowenewritten. CHARLES R. Right trustie and wellbelovit
cousine and counsellour, right trustie and wellbelovit cousines and
counsellours, right trustie and wellbelovit counsellours, and trustie
and wellbelovit counsellours, we greet yow well. The inclosed petitiun
having beeene exhibite unto us in behalfe of the petitiuner whereby conceaving his demand to be verie reasonable, and (in
respect of his age and infirmitie of bodie) to require our princelie
commiseration, our pleasure is that furthwith yow grant unto him
licence to repair unto his sonne, or otherways, if he thinke the indisposi-
tion of his bodie will not permitt him to travell to the part where his
sonne is, that upon conditions accustomed to be takin in the like caises
yow confyne him by advice of the right reverend father in God, our
right trustie and wellbelovit counsellour, the Archbishop of St. Andrewes,
to suche ane place within that our kingdome where he may most con-
venientlie enjoy the meanes allotted unto him. Whiche recommending
to your care we bid yow farewell. Frome our Court at Whitehall, the
19th day of Februaie, 1632."

The above letter is likewise entered upon the Register of Royal and
other Letters and immediately after it "Followes the petitioun :—

To the Kings Most Excellent Majestie,

The humble petitioun of Johne Gourdoun, elder of Craig, humblie
sheweth,—That for religioun order hes beeene givin for banishing the
petitioners sonne, his wife and childe, and confynning himselfe, in
respect of his great age, in a toun within Scotland; whiche order they
have all humbelie obeyed, his sonne, wife and poore childe having
furthwithstandinge the kingdome. A two part of the poore estait
which he hath being allotted to his sonne and his familie and a thrid
part for himselfe, he now findeth that by suche a meane proportioun he
cannot be able to live, being both aged and sickelie. His humble sute
is that he may [have] leave to depart the kingdome to live with his sone,
beacause by thair estait undivided they may all be more able to subsist
than otherways; and that your Majestie may be graciouslie pleased
to give order to your Counsell there for that effect, and as in dewtie
he sall ever be bound to pray for your Majesties long and prosperous
raigne."

“A letter for punishing of suche persounes as wrongouslie makes
calumnious informations to his Majestie. The Lords ordains his
Majestie's Advocat to seeke out the acts and lawes made to that purpose
to the effect publiccation may be made thairof; and the letter was giving
up to him.”
"A letter for warrand to be givin to Sir John Hamiltoun of the Grange for preserving of the game of hunting within some distance of his Majesteis palace of Linlithgow, and ane act past accordinglie."

"The Lords ordains his Majesteis Advocat to libell a summongs aganis Patrik Darleith and some others of the Laird of Houstouns men for torturing of Jonnet Reid, and to persew thame before his Majesteis Justice for the same; ordaining his Majesteis Justice if they sall happen to be convict to report to the Counsell quhat they sall be found guiltie of, to the effect order may be givin for pronuncing of doome according to the merit of the fact."

"The quhilk day Mr Hew Archibald, Patrik Darleith, Bryce Galbraith, James Howstoun, John Schaw and Johne Miller, servitours to the Laird of Howstoun, wer committed to waerd therein to remaine till they wer brought to thair tryell before his Majesteis Justice for thair alleged tortouring of Jonnet Reid."

"The quhilk day the Laird of Howstoun wes fynned in ane thosand pundis for giving directiou to his servants to wake the said Jonnet Rid."

Holyrood
House, 7th
June 1632.

Sederunt—Chancellor; Præses; Privy Seal; Wigtoun; Buccleuchë; Acta June 1632–June 1634.
Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles
Lord Gordoun; Lord Areskine; Lord Carnegie; Lord Naper;
Lord Traquair; Secretary; Advocate; Sir John Scot.

"The whilck day James Smith, shireff depute of Fyfe, exhibite before the Lords of Privie Counsell Johnë and Andro Halkets, rebellis, conforme to the commission direct to the shireff towards thair apprehensioun, thair forcible and contemtuous oppositioun to his Majesteis auctoritie with forbiddin weapons being weill knoone to the saids Lords and thair bypast behaviour being tryed, the saids Lords ordains thame to be committit to waerd within the tolbuith of Edinburgh."

"The whilck day in presence of the Lords of Secret Counsell compeirehed personallie M' William Strutherës, ane of the ministers of Edinburgh, and producik and exhibite before the saids Lords ane discharge under the hand and subscripition of Pempe Calladrine, merchant in Londoun, acknowledging the receipt of ane thosand pundis sterline fra Francis Dick as factor for Williamë Dick, being ane part of the benevolence of Scotland collected toward the releefe of the distrest ministers of the Palatinat, and whiche soume the said Calladrine had made over by exchange to the behove aforesaid. Qhilk discharge being heard and considerit be the saids Lords they ordaine the same to be insert and registrat in the bookes of Privie Counsell, of the whilk the tennor follows:—These ar to certifie to whome it may concerne that I, Pempe Calladrine of Londoun, merchant, doe acknowledge to have receveit in the moneth of Februarie last past at M' Francis Dick as factor of M'
Williamie Dick of the citie of Edinburghe in the kingdome of Scotland, merchant, the full soume of one thousand punds sterline English money, being in part of the collection of the churches of Scotland for the releefe of the distressee ministers of the Palatinate; whiche soume of one thousand punds I have made over by exchange by command and direction of the right honourable and right reverend father in God, the Lord Archbishopp his grace, to the saids ministers, partlie in the Upper and partlie in the Lower Palatinate, as under theyr several acquittances and certificates under theyr hands more at large will appeare. Whiche certificates shall be delievered to the said Mr Francis Dick to be sent over into Scotland as soon as they shall come into my hands. In witness whairof I have sett my hand and seale heirunto; London, this 4th of May, 1632. Sic subscribitur, P. Calandrin. Sealed, signed and delievered in the presence of Sir Anthony Witherings, Sigismondo Ethem."

"Missives to be writtin to the bishops in the north for furthering the imbring of the moneys collected for releefe of the diistreest ministers of the Palatinate."

"Charles R., Right, etc. Whereas we wer pleased upon good consideratious knowne to us to give order for continewyng the tryell of Alaster Grant for a certane tym, as our letter writtin for that effect doth beeare, though we did delay it for that space it was no way our intention to defraude justice, and therefore it is our pleasure that after the expyring of the said tym yeow give order for the tryell of hym and of all others who ar accused or to be accused as engaged in the said rebellious, and that all persons who have bound themselfes for produceing of the brokin men who ar complices with James Grant or the said Alaster that they exhibite thame according to the order prescribed be yow in that cause. Whiche recommending to your care we bid yow farewell. Frome our Court at Greenwiche, the 7 of June, 1632."

"Charles R., Right, etc. Whereas we are informed that some learned grammarians of these our kingdomes have approved of a grammar perfyt and dedicated unto us by one Mr Robert Williamsoun as ane worke in that kynde verie exact and fitt speedilie to advance students to a knowledge of the Latine tongue, wherein seing he hath been at the charge of the printing and otherways and that he is onelie desirous at this tym to make use thairof in so farre as it shall be found fitt hereafter for the publick good, our pleasure is that yow caus peruse the said grammar and if yow find it suche, as is pretended, that no inconveniencie can arise unto our subjects by granting to the said Mr Robert the benefite of his owne worke that yow give unto him and his partners during the space of twentye one yeeres licence to print and sell the said grammar and to that effect that yow give way for expeding a patent thereupon under our caschet and seales in the usuall maner with suche conditionis and restrictiouns as yow shall finde to be necessarie in the lyke caises;
for which these shall be your warrant. We bid you heartie farewell.
From our manour at Greenewich, the 7 of Junij, 1632."

**Sederunt**—Chancellor; Præses; Privy Seal; Wintoun; Linlithgow; Wigtoun; Buccleuch; Bishop of Dunkeld; Bishop of the Yles; Lord Areskine; Lord Carnegie; Lord Naper; Lord Traquair; Advocate.

"Forsameekle as Thomas Armestrang and Androw Johnestoun, twa notable theeves and fugitives for thift, having for eshewing of their deserved punishment fled out of this kingdom towards Ireland, where they continewed in their accustomed trade of thift as formerlie they have done within Scotland, whairof information being made to the Kings Majestie he sent his royall directioun and warrant to Ireland for apprehending of thir twa lymmars and sending of thame backe to Scotland to underly their tryall, whilk wes accordinglie done be Robert Maxuell of Orchartoun, be whome the lymmars wer tane, brought to Scotland and committed to the jayle of Dumfreis, where they now remaine. And whereas the said Robert hes heerin verie dewtifullie conformed himselfe to his Majesteis royall pleasure, thairfoir the Lords of Privie Counsell finds and declares that the said Robert in taking and apprehending of the saids lymmars and bringing of thame to Scotland and committing thame to waird, as said is, hes done good and acceptable service to his Majeste and the countrie and meriting his Majesteis gratious remembrance."

"The whilk day the missive letter underwrittin tuicheing the cleering of some differences betuix the Erles of Roxburgh and Buccleuch and Francis Steuart anent the valution of the lait Erle of Bothuell his estait, being presented to the Lords of Privie Counsell and read in their audience, the saids Lords ordains the said missive to be insert and registret in the bookes of Privie Counsell, of the qhilk the tennour followes: CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellours, and trustie and weilbelovit counsellours, we gret yow weill. Having been pleased to consider of the differences betuix the noblemen interested in the forefalture of the late Erle of Bothuell, and Francis Steuart, his eldest sone, as may appeare by the directiouns that we have givin concerning the same, we doe heirby agane require yow to proceid in trying of the trewe rent of the estait that they injoy by his forefaltour whiche hath at any tyme heeretofore beene payed to the lait Erle of Bothuell, or to anie other who had the saids lands or benefices before him, or unto thame who had thame of lait, and what ever is claied be the said Francis which they or anie of thame have of that nature whairof they or their authors wer not in possessioun by a good right preceeding the forefaltour and the said Francis his
inhabitilitie, so it is our pleasure that ather they quite the benefite of the forefaltour to us pro tanto of that whiche is in controversie taking thame to thair other rights, or otherways that it be valued and come under our consideratioun with the rest. And as we desire that all rents, tithes and others commoditeis belonging to the premisses be dewlie valued, so lykewayes where there is anie laick patronages or churches, ather of the erledome or abbacie, we will that the ministers stipends being dewlie deduced the remaynder of the saids churches and patronages be trewlie estimated as the reall rents thairof and the samine to be trewlie reported unto us that we may finallie determine thereupon. All whiche recommending to your speciall care, we bid yow farewell. From our mannour at Greenewiche, the 28 of May, 1632."

Sedent—Chancellor; Presses; Privy Seal; Mar.; Wintonn; Holyrood Linlithgow; Wigtoun; Bucheleuch; Landerdaill; Bishop of Dunkeld; Bishop of Dunblane; Bishop of the Yles; Areskine; Carnegie; Naper; Tracquair; Secretary; Advocate; Sir John Scott.

"The Lords of Secret Counsell for certane causes and considerations moving thame ordains and commands his Majestis Justice and his deputis to prorogat and continew the dyet appointed for tryell of James, Lord Uchitrie, upon the points whairof he is accused before thame till the 25 of Julij nixtocome, quhereanent the extract of this act saill be to thame ane warrand."

"Forsameekle as John and Androw Halkets, sones lawfull to Patrik Halket, being latelie apprehendet be the Shireff of Fife and his deputis be vertew of a commissioun grantit to thame for that effect and being exhibite before the Lords of Privie Counsell, they wer be thame committed to waird in the tolbith of Edinburgh for the forcible and violent oppositioun made be thame to the said shireff and his deputis with unlawfull and forbidde weapons in the executioun of their office. And whereas offences of this nature ar verie disgracefull to his Majestis auctoritie and to law and justice and deserves exemplar punishment to the terror of others to committ the lyke, thairfor the Lords of Secret Counsell hes found it meit and expedient that the saids Johne and Androw Halkets sall be banished this kingdome during thair lyfetyme; and for this effect ordains and commands his Majestis Justice, Justice Clerk and thair deputis to appoint ane justice court to be haldin in the tolbith of Edinburgh upon the thretene day of Junij instant and there to caus present and exhibite the saids Johne and Androw Halkets in judgement and to take thame actit that they sall depart and pas furth of this kingdome and never returne agane within the same during thair lyfetymes without his Majestis licence, under the pane of deid; and they
being so acted to returne thame backe to thair waird, there to remaine till some captaine be provided to take thame out of the countrie."

"The Lords ordanis Patrik Darleith to be banished this kingdome, and that he be presented before the Justice in a justice court to be halden the morne, and not to returne during his lyfystyme without his Majestie's licence under the pane of deid, and that for the torturing of Jonnet Rid. Ordains the rest of Howstouns servants to be exhibite before the Counsell upon Thursday next and to be admonished to forbear some doings hereafter."

"After our verie heartlie commendations. We have heard of the apprehensioune and bringinge frome Ireland to this countrie of these two notable lymmars and fugitives for thift, to wit, Thomas Armestrong and Andrew Johnestoun, and how that you have committed thame to sure keeping within the jayle of Dumfreis, quhairin we acknowledge that you have done verie good and acceptable service to his Majestie and the countrie, and for the quhilk we rander unto yow our heartie thankes, and we sall give notice thairof to his Majestie who will not be unmynedefull thairof in anie interveening occasion concering yow. And quhaires yow are best acquainted with the bypass conversation of thir two lymmars we will desire yow to lett us have your advice and opinion where thair punishment will be most exemplar whither heere or in Dumfreis, and if at Dumfreis be whoone, that accordinglie we may resolve upon that course quhilk sall be fittest to be followed out in this bussines. And so recommending yow to Gods protection, we rest, etc. Subscritur, Geo: Cancell, Stratherne, Hadintoun. Halyrudhou, 12 Juniij, 1632."

"The Lords of Secret Counsell thinkes fitt that the tortouring of Johne Meldrum sall be continewed till they be certified from Major Sinclare of the truth of the depositioune made by Captane Ogilwie concerning the burning of the hous of Fendraucht."

"The whilk day in presence of the Lords of Secret Counsell comparied personallie Sir Johne Grant of Freuchie and brought and exhibite before the saids Lords James Grant alias Our, chamberlane to the said Sir Johne, to be examined and confronted with James Grant, prisoner in the Castell of Edinbugh, and Alaster Grant, prisoner in the tolbuith of Edinbugh, conforme to the act whirby the said Sir Johne was obleist to this effect of the dait the 29 of Marche last. Quhilk act being read, heard an consideritt be the saids Lords, and they advised therewith, the saids Lords continewes this mater till Tuesday nixt, and ordains the said Sir Johne to exhibite the said James that day."
"A letter from his Majesty in favour of John Grant of Glenmoreiston and his sons for granting them the benefit of his Majesty's laws, they finding surety for their appearance before the Council of Justice other judicatorie the Council shall think competent to answer upon suche imputations quhairwith his Majesty is informed against them.

"A letter from his Majesty for the tryell of Alaster Grant after Alaster Grant, the termo quhairunto it was continuied.

"The qubilk day the Lords ordains the bailleis of the Cannagait to deliver James Lumisdin to Captane to be transported be him to the warres."

"After our vere heartlie commendations. Having carefullie bestirred ourselles and spent much tyme in trying of the truthfull tucheinge the burning of the houes of Fendraucht, we have heard of lait by the report of Captane George Ogilvie that there is a sourdiour in your companie who was cooke to the Laird of Fendraucht and was in his hous the night of the burning that can give great light in the busines, as by the inclosed copie of the said captane his deposition made in presence of the Counsell you will more fullie perceave; whiche information (if it be true) being worthie our serious advertence, and conceaving the same to be a cleere way for furthering the discoverie of that hidden and destestable fact, we have theirpoun thought good earnestlie to intreate your so to send that sourdiour hither to the Counsell with the first commoditie, togidder with a formall record in writ signed be yourselfe and your serjants of all and everie thing that yow or they have heard or learned from him concerning that busines and of the truthfull of the relatoun made unto us thereon, and what charges yow sall bestow towards his transport sall be thankfullie payed upon his arrivall heere. Quherin being confident of your best care and diligence and that yow will not be deficient in anie thing that may conduce to the cleering of suche a nefarious deid, for whiche your panes you may rest assured to report both from his Majestie and the Counsell your deserved thankees, we commit yow to God. Frome Halyrudhous, the 14 day of Junij, 1632. Subscribitur, Geo: Cancell., Strathern, Linlithgow, Perth, Wigtoun, Buccleuch, Annderdall, Lorne, Areskine, St Thomas Hop.

Sederunt—Chancellor; Presses; Privy Seal; Mar; Linlithgow; Wigtoun; Perth; Wigtoun; Roxburgh; Buccleuch; Annderdall; Lauderdale; Bishop of Dumblan; Iles; Lord Gordoun; Lord Lorne; Areskine; Melville; Carnegie; Naper; Tracquair; Secretary; Advocate.

'The whilk day in presence of the Lords of Secrett Counsell compeired personallie Sir John Grant of Freuchie and become actit and obleist as cautioner and souertie for James Grant, alias Our, his chamberlaine, that

Caution by Sir John Grant of Freuchie for James Grant, alias Our, his chamberlain.
the said James sall remaine within the burgh of Edinburgh and compere before the saids Lords when he sall be callit under the pane of three thousand merkes."

"The Lords of Secreit Counsell assignes the sevinteene day of Julij nixt to Sir Johne Grant of Freuchie for exhibition of James Grant in Aviemore and Petre Grant in Glenbrune before thame."

Soderunt—Chancellor; Preses; Privy Seal; Mar; Wintoun; Lin—lithgow; Perth; Wigtoun; Roxburgh; Bucalleuch; Lauderdale; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yle; Lord Gordoun; Lord Lorne; Lord Areskine; Lord Melville; Lord Naper; Tracquair; Secretary; Advocate; Sir James Baillie.

Ansent the rentals of the late Earl of Bothwell.

"The Lords of Secreit Counsell having heard and considderit these words of his Majesteis letter direct unto thame for tryell of the trew rent of the estait that the noblemen enjoy by the Erle of Bothuell his forefaltour,—whiche hes at anie tyne heretofore been payed to the lait Erle of Bothuell or to anie other who had the saids lands and benefices before him, or unto thame who had thame of lait,—and having resouned upon the word thame what is meant thereby and to whome the same hes relation, the saids Lords finds that by the word thame the Erles of Roxburgh and Bucalleuch ar cleerelie signified, and cannot be extendit to anie others than the saids Lords."

"The whilk day the Lords of Secreit Counsell upon ane overtour made unto thame by Francis Steuart, sone to the lait Erle Bothuell, and conforme to the desire thairof, hes, with consent of Robert, Erle of Roxburgh, and Walter, Erle of Bucalleuch, who wer personallie present, found, declared and concluded, that the tryell of the trew rent of the lait Erle of Bothuell his estait (that the saids Erles enjoyes by his forefaltour) whiche hathe at anie tyne heretofore beene payed to the lait Erle of Bothuell or to anie other who had the saids lands and benefices before him or to the saids Erles of Roxburgh and Bucalleuch, who had the same of late, sall be regulatit and cleered by the oaths of veritie of the saids Erles of Roxburgh and Bucalleuch for what they bruike and have in their awne possessioni or hath been dispouned or givin out be thame to thair servants and others, with diminution of the old rentall, togider with thegressomes receaved by thame for the same; to whois oaths of veritie the said Francis Steuart, being lykeways personallie present, simpliciter referred the trueth of the premises. Quhairupon the saids Lords hes assigned and be the tennour heirof assignes to the saids Erles of Roxburgh and Bucalleuch the twelwe day of Julij nixt for giving their oath of veritie upon the trueth of the premises; and ordaines thame to informe thenselvys by thair chamberlans and by all other means they best can concerning the trew rent of the saids lands and
benefices, and of the grossomes receaved be thame as said is. And for
that effect that the said Francis Steuart delvery to the saids Erles a
copie of the interrogatours whairupon they ar to be examined betuix and
the fyft day of Julij nixt that after perussal thairof they may be the
better prepared cleereleie and trewly to depone anent the truth of what
shall be referred to their oath the said 12 day of Julij nixt. And the
said Lords declares that the tryell thus to be takyn by the oathes of
veritie of the saids Erles of Roxburgh and Buccleuche saill be receaved
and susteaneed as the sole and onelie way for cleering of the truth of
that whereaneall they saill depone and saill be exclusive of all after
probation in tymecomming.”

“The whilke day the Lords of Secret Counsell hes assigned and be the
Direction anent the rent
tennour heirof assignes to Robert, Erle of Roxburgh, and Walter, Erle
and value of
of Buccleuche, on the aue part, and to Francis Steuart, sonne to the
the churches
latit Erle of Bothuell, the fyft day of Julij nixt for proving hinc inde
of the Earlom
of Bothell and Abbacy of
the trew rent and avall of the churches of the erldome of Bothuell
bothell and and abbacie of Kelso whiche ar not in their awne possessioun; for whiche
purpose ordains letters to be direct in forme as efeiris.”

Royal Letters, “After our verie heartilie commendatiouns. We ar informed by
1623-33. Holyrood
Thomas Edward and William and George Bells, merchants burgesses of
House, 21st
Linlithgow, that they had sindrie goods in the ship of Ryer Potersone
June 1632.
Letter of
latelie takin and carried away from the roade of the port of Leith by
Council to the
some freebooters of Dunkirk and Ostend, carying the Prince of Orange
Admiral,
his cullours and pretending to be freinds, in a most treacherous kynde of
magistrates
practise, without regarde had by thame to the peace and confederacie
and officers of
latelie concluded betweene his most sacred Majestie and the King of
the town of
Spayne, and in regarde the said shippe in her way or course to Dunkirk
Blackney and
was laitlie cast away upon the coast of England at or neere Blaikna as
the country there-
Ostend, which had been cast
about in
shore on a
part of
England anent
a pirate-ship of
Dunkirk or
Ostend, which
had been cast
shore on a
part of
England, and which
contained
goods robbed
from a Scottish
ship belonging
to certain
merchants of
Linlithgow.

we ar informed, and the goods all cast upon land, and a great part thereof
intromettet with be the countrie people, and all arrested or seazed upon
by the Admirall of that coast, from whome the saids informers expecteth
justice and a faire proceeding for recoverie or restitution of their severall
shares of the saids goods, and we being confident of your favourable
assistance in suche a just challenge and demand of restituicion in a caise
which pleadeth pitie and may be incident upon anie other shipping
ryding upon anie coast side of his Majestie dominouns, we have thought
fit, at the humble sute of the saids merchants, heartilie to intreate your
endeavours for the saids supplicants that both they may receave justice
without delay and speedie restitution of quhat is intromettet with, or a
valuable satisfacion for the same, according [to] the particular quantiteis
of the commoditeis and the severall values thairof, as the same is sett down
in a note exhibited unto us with their supplication, viz., a locked kist
full of velvets, silks, grogrann silkes, louse gallouns and water chamlets
worth 2200 ft. Scottish, two barrells of Indigo worth 400 ft. and eight
tarred cable towes worth 300 £, all perteaining to the said Thomas Edward; also ane bose with eight steikes of Holland lining cloath worth 150 £, some Damask takcloathes and napkins worth 450 £, two tarred cable towes worth 150 £, all perteaining to the said William Bell; and two barrell of galloues made of camells hair and some harlain stuffs worth 500 £, all perteaining to the said George Bell; and also a box full of Camriche worth 400 £. All whiche we doe hereby heartilie recommend to your sedulous cares and furtherance to the parteis for recovers of thair losses as we sall ever be readie herafter to afford the lyke favour unto yow or anie of your nighbours in anie thing whiche may concerne yow or thame in this kingdome. So not doubting of your performance, we commit yow heartilie to God. 

Holyrood House, 26th June 1632.

Sederunt—Chancellor; Mar; Linlithgow; Wintoun; Wigtoun; Perth; Roxburgh; Buccleuch; Annerdaill; Lauderdaill; Lord Gordoun; Lord Lorne; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Bishop of Dunkeld; Bishop of the Yles, Tracquair; Secretary.

Act in favours of Mr. David Wedderburn granting him the sole right to print his Latin Grammar for twenty-one years.
saids commissioners thairfoir fand that the said M’ David Wedderburne
his grammar sould be rectified and amended in some particular heads as
the saids commissioners thought good; quhill being accordinglie done,
the saids commissioners by their report made to the saids Lords this
present day found the said grammar brought to suche perfectioun that
they have judged it worthie to be imprinted and taught in the schooles,
as the said report subscryved with their hands upon the fourteene day
of Junij instant beiris. And whereas this worke hes beene of great
panes and travellis to the said M’ David, and the saids Lords finding
that justice and equitie craves that he sould have the libertie and benefite
of the sole printing and selling of his said grammar, and that no others
shall encroache and usurpe the benefite of that whilk he with so great
panes and travellis hes brought to perfectioun, thairfoir the saids Lords
hes givin and grantit, and be the tennour heirof gives and grants to the
said M’ David, his aires and assigneyes, for the space of twentie ane
yeeres nixt after the daith heirof, the sole and onelie libertie and priviledge
of printing of the said grammar; discharging heirby all his Majesteis
lieges and subjects whatsoever of printing of the said grammar ather
within or without this kimgdom, bot suche as sall be warranted and
allowed be the said M’ David; discharging alsua all his Majesteis
subjects of selling of anie of the saids bookes whilk sall be printed
within this kimgdom and imported within the same to be sauld, but that
they suffer and permitt the said M’ David and his foresaids peaceable
to bruik and enjoy this libertie and priviledge as the fruict of his panes
and labours, as they and everie ane of thame will answere upon the con-
trarie at their highest charge and under the pane to be persewed and
punished in thair persons and goods as contemners and misregarders
of his Majesteis royall directiouns at the arbitrement of his Majesteis
Counsell; and that letters of publicatioun be direct heirupon if need beis
in forme as effeiris.”

“The whilk day Mr. William Guild, commissioner for the diocie of
Aberdeen, compeirand personnallie before the saids Lords, made report
unto thame anent the cariage of papists in the north, and gave in to the
saids Lords ane letter from the Bishop of Aberdeen, and some grevances
frome the Synod of Aberdeen, with twa acts of convictioun of some
papists in the north of thair resset of Jesuits and seminare preistis; the
advising whairof the saids Lords continewes till Thursday nixt.”

“Ordains the Counsell to meit upon Thursday at eight houres in the
morning in the laich counsellhoues of Edinburgh anent the tryell of
John Meldrum and Johne Toshanuch.”

Sederunt—Chaonellor; Privy Seal; Mar; Wintoun; Linlithgow; Holyrood
Wigtoun; Perth; Lauderdale; Annderdaill; Bishop of Dumblane; June 1632.
Bishop of the Yles; Lord Lorne; Lord Areakine; Lord Melvill;
Lord Carnegie; Lord Naper; Lord Tracquair; Sir James Baillie.
"Forsameekle as the Lords of Secreit Counsell ar informed that Captane Boill hes heard some reports beyond sea concerning the burning of the house of Fendraught, thairfor the Lords of Secreit Counsell ordains letters to be direct charging the said capitane to compeir personally before the saids Lords upon Tuesday nict, the thrid of Julij nixtcome, to depone in so farre as he knowes or sall be speirit at him in the said mater, under the pane of rebbellion, etc., with certification, etc."

"The Lords of Secreit Counsell having heard and considerit the greevances propounded be Mr William Guild, commissioner for the diocie of Aberdein, tuicheing the behaviour of papists in the north, they ordaine the acts and orders sett doun agains the resetters of Jesuits and seminari preists to be followed out and putt in execution agains them."

"The quhilk day James Crichtoun of Fendraught compeirand personally before the Lords of Privie Counsell declared that he would concurre with the Marqueis of Huntlie and other noblemen interested in persute of Johne Meldrum and tryell of his guiltines tuicheing the burning of the hous of Fendraught, bot would not insist nor urge be himselfe more then is alreadie done, and thairupon gave in his declaration in writ, whairof the tennour follows:—I, James Crichtoun of Fendraught, declares that I have used all lawfull diligence for trying of Johne Meldrum his guiltines of the burning of my hous as by his awne declaration and the depostioun of famous witnesses produced agains him may easilie appeare; whiche I humbile offer and remitt to your Lordships consideratioun, and will insist no farther agains him in the point of tryell, having alreadie done all that is prestable by me in that bussines: Nather am I so cruellie disposed to urge his tortour, being doubtfull what may be the event of it, and thairfor am resolved to forbearre all further persute of him by myselfe, except that the Marqueis of Huntlie and others interested, conceaving his guiltines, will for clearing thairof urge the tortour, in whiche case I will concurre with thame not onelie agains the said Johne Meldrum bot agains all persons suspect of that vile crynse; and will prese nothynge be my selffe agains anye bot will defend and cleith my selffe with my awne innocencie. Sic subscribitur, J. Crytoun."
"Claud Hamilton, cautioner for Sir Thomas Boyd for the indemnity of Mr. Hew Montgomery under the pane of 5000 merkes; Mr. Wallace cautioner for Mr. Hew Montgomery for the indemnity of Sir Thomas under the pane of 3000 merkes."

"Sir Thomas Boyd nominat the Erle of Wigtoun, Sir Thomas Boyd Dispute between Sir Thomas Boyd and Mr. Hew Montgomery. [sic lège Mr. Hew Montgomery] nominat the Erle of Linlithgow, whome the Lords ordains to meit and travell betuix the saids parteis for settling of thair differenceis."

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Wigtoun; Holyrood House, 3rd July 1652.

Annerdaill; Bishop of Dumblane; Bishop of the Isles; Lord Areskine; Lord Lorne; Lord Melvill; Lord Carnegie; Lord Naper; Traquair; Secretary; Sir James Baillie.

"The whilk day Sir John Grant of Freuchie having exhibite before the Lords of Privie Counsell James Grant in Avemore and Petre Grant in Glenbrune, for obedience of the act whereby the said Sir John was obleist to that effect, the saids Lords ordains thame to be sequestrat to remane as after followes, viz—James Grant in Avemore with the Lord Traquair, and Petre Grant with the Lord Carnegie; and ordains James Grant, alias Our, to remane with the Lord Chancellor, till they be examined upon suche interrogatours as shall be gyvin in aganis thame concerning the rebell, James Grant. And the saids Lords ordains James Grant of Carron and Alaster Grant to be keped in close prissoun and nane to be suffered to speece with thame bot be warrand."

"Donnald Ferquharsoun of Inchemarroun, cautioner for Abiryeidie for his compeirse this day eight dayes to underly the Councells censure tuiching his misbehaviour towards his ladie under the pane of fivethosand merkes; as alsua that he sall not ressett and intercommoun with Jesuits and seminairie preists under the same pane, and continwe all maters concerning him till Tysday nixt, and prorogates his protestoun till Thursday thereafter."

"Lytes for the Shireiffs.

The qhilk day the persounes underwrittin wer lytted the Lords of Privie Counsell to be shireiffs of the shirefdomes underwrittin for the yeere to come, they ar to say—

Edinburgh: Mr. Patrik Hamilton of Little Prestoun, Sir Thomas Thomson and David Prestoun of Quythill.


Bervick: Westnisbit, Langtoun, James Cockeburne of Ryslaw.

Linlithgow: Drummond of Medope, James Gib of Caribber, John Hamilton of Boghall.

Dumfreis: Conhaith, Ryhill, Lag.

Dumbartane: Ardincaple, Johne Naper of Kilmahew, Duntreth.

Forfar: Sir Johne Carnegie, the young Constable, Fintray.

Perth; Duncrub, Inchermartine, Inchebrakie younger.

Lanerk: Lamington, Hamilton of Torrence, Hamilton of Raploch.

Aberdeen: Kennay, Bolquhen, Straloch.

Imneres: Balveny, Fraser of Strowie, Tarbet.

Kyle Stewart: Mathow Wallace of Achans, Boyd of Portincrose, Dreghorne.


“The quhilk day the Lords dispenses with McClaines compeirance upon the tent of Julij nixt.”

“Mr William Hay, commissar clerk, cautioner for young Hermistouns compeirance upon Thursday nixt under the panes conteanit in the former act.”

Holyrood
House, 5th
July 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Wig-toun; Roxburgh; Buccleuch; Annerdaill; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Areskin; Lord Melvill; Lord Carnegie; Lord Naper; Traquair; Secretary; Sir James Baillie.

“Ament the trial of the teinds and lands not in the possession of the Earls of Roxburgh and Buccleuch. The whilk day Francis Steuart, sone to the late Erle of Bothuell, compeirand personallie before the Lords of Privie Counsell declared that he was content to referre the tryell of the trew rent of the kirks and laick patronages of the eredome of Bothuell and abbacie of Kelso, whairof the Erles of Roxburgh and Buccleuch ar not in possessiouin to the oathes of veriteit of the heretours, tacksmen and possessours of the lands whairof the teinds belongs to the saids kirks and laick patronages; quhereanent the saids erles being present promeist to give thair answere the morne in the afternoome.”

“The Lords of Secreit Counsell, according to his Majestie letter and signification of his royall pleasure therein conteanit, finds and declares be interloquout that for suche lands and teinds as the erles of Roxburgh and Buccleuch possesses of the eredome of Bothuell his forefaltour or Francis Stewart his inhabilittie, they sell quite the benefite of the forefaltour to his Majestie pro tanto of that whilk is in contraversie, taking thame to thair other rights, or otherways that the same be valued and come under his Majestie consideratioun with the rest.”

“The whilk day Francis Steuart, sone to the lait Erle of Bothuell, produced his interrogators, whairupon the Erles of Roxburgh and Buccleuch respective ar to be examined tuicheing the rent of, the lands
and teinds possee be thame of the eredome of Bothuell and abbacie of Kelso, qhilliks wer givin up to the said erles."

"The Lords of Secreit Counsell gives and grants warrand and commiss- Commission to the Earls of Wintoun and
sioun to the Erles of Wintoun and Linlithgow, the Lords Lorne, Areskine and Carnegie, or any three of thame, with the Justice depute, to conveene at suche times as they sall appoint, and to call before thame Johnne Toshoche and to try and examine him anent his guiltness of the burning of the hous of Fendraucht, and for the better discoverie thairof to produce witnesses and to confront him with thame upon such interrogatours as sall be givin in thereanent; with power to the saids commissioners to proceed in the tryell of this bussines by causing of the said Johnne Toshoche to be tortoured in suche kynde and measure as the commissioners sall preservye; and for the saids commissioners thair better information anent the forme of the tortour to be ministrat to the said John, with power to the saids commissioners to call unto thame suche persons as can give best light and direction in matters of that kynde. And the saids Lords nominat and appoints the Erle of Wintoun to be convenner."

"Forsameekle as the Lords of Secreit Counsell for the helpe and supplee of the gentlemen whose lands wer overwhelmed and drowned be ane mosse whilk brake out upon thame within the shirefdomes of Stirlin and gave commissioun to the persons underwritin, they ar to say, etc. . . .

to collect and receive the voluntar contributioun and helpe of suche noblemen, prelate, barons, and burgesses and others his Majestis subjectes to burgh and land who out of their pitie and compassioun of these gentlemens estaitis would contribut to thair releef; and the said Lords, looking that thir contributiouns could have discharged ane faithfully and deewtie in this commissioun concrecit unto thame, ytt, as the saids Lords ar informed, they, at the least some of thame, hes not as ytt givin a compt of thair intromissionis bot delays and shifts the same to the hinder of the gentlemen for whose releef thir contributiouns wer givin. Thair-foir the saids Lords ordains letters to be direct charging the contributiouns particularie abonewritin to comperis personallie before the saids Lords at ane certane day and to give in a trew and perfyte compt upon thair oath of veritie of thair intromission with the said contributioun, and how and to whom they have givin up the same or anie part or portioun thairof, under the pane of rebellion, etc., with certification, etc.; as also to charge the heretours in whois favours the said contributioun wes grantit and givin to comperis personallie before the saids Lords the day foresaid to heare and see everie mans part and portioun of the said contributioun according to thair loose and interesse to be allowed and allotted to thame, with certification to thame and they fallyie that the saids Lords will proceed to the said distributioun as they sall find justice and reason to require."
"The Lords of Secret Counsell having heard Sir Thomas Boyd of Bonshaw, knight, on the one part, and Mr. Hew Montogmery on the other part, anent the right of the lands of Silverwode contraver'd betuix thame, and the saids Lords out of their regard to the peace of the countrie being carefull to forsee and prevent all occasions of falling out betuix the saids parteis anent the question foresaid standing betuix thame, they have decerned, declared and ordained, and be the tenour of this present act decerns, declares and ordains that the said M' Hew sall bruke and possesse the saids lands and meddle with and intromett with the crop presentlie growing upon the saids lands ay and whill he be orderlie callit and removed therefra be course of law; with this speciall provisioun that if the saids lands sall be herearter evicted be the said Sir Thomas fra the said M' Hew, in that caise the saids Lords decerns and ordains the said M' Hew to make payment to the said Sir Thomas of the soume of fyve hundred the merkes money of this kingdome for his wrongous possessioun, and that but prejudice of anie actioun competent to either of the saids parteis anagis others anent the right and possessioun of the saids lands as accordes of the law. Qhahirunto both the saids parteis being personallie present and this ordinance intimated unto thame acquiesced."

Sederunt—Chancellor; Privy Seal; Wintoun; Annerdaill; Bishop of Dumblane; Lord Areskine; Naper; Tracquair.

Anent the forfeit lands of the late Earl of Bothwell.

"The Lords of Secret Counsell continewes the hearing of the Erles of Roxburgh and BuccleuChe thair answere to the maner of probatioun proponed be Francis Steuart for proving of the rent of the kirks and patronages belonging to the lait Erle of Bothuell whairof the saids Erles ar not in possessioun till Tuesdae nixt."

Sederunt—Chancellor; Privy Seal; Mar; Wintoun; Linlithgow; Roxburgh; Buccleuch; Annerdaill; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Secretary; Advocate; Sir John Soot; Sir James Baillie.

Anent the Papists of the diocese of Aberdeen.

"The whilk day M' Williame Guild, commissioner for the diocie of Aberdein, gave in the greevances of the Assemblie of Aberdein tuichening the contemp of excommunicat rebellis and increasce of poperie in the north upon occasioun of his Majesteis princelie indulgence granntit to some of these papists for thair reture after that they wer orderlie removed furth of the countrie. Whiche greevances wer givin up to the Advocat to be advised with till Thursday nixt."

Anent the trial of the teind of the Ersedom of Francis Stewart, sonne to the lait Erle of Bothuell, declared that he was
content to referre the tryell of the trew rent of the kirks and laick patronages of the eredome of Bothuell and abbacie of Kelso, whairof the Erles of Roxburgh and Buccleuche ar not in possessioun, to the oaths of verite of the tacksmen and possessours of the saids teinds and heretours of the lands furth of quhilk the saids teinds ar uplifted, thairfoir the saids Lords declares that the tryell so to be takin by the oath of verite of the saids heretours, tacksmen and possessours saill be obligatorie aganis thame, and the saids Erles of Roxburgh and Buccleuche, and Francis Steuart; and that they nor nane of thame saill be heerafter admitted to impugne the same. And the saids Lords forder declares that the valuation alreadie deduced before the Commission for the Surrenders and Teinds saill stand without prejudice to anie partie who hes not beene lawfullie callit to be heard for their interesse and assigns the 24 and 26 of this instant to the saids parteis hinc inde for proving of the worth of the teinds foresaids."

"Forsameekle as Patrik Con of Achry, Doctour Williame Leslie, and Robert Irving, burge of Aberdein, being removed out of this kynodome for their obstinat refusall to conforme themselvys to the religioun presentlie profest within the same, and they being under band not to have returned without his Majestie licence they upon some sinistrous informaions have procured his Majestie warrand and licence for their returne, and now being returned they have never acknowledged his Majestie Counsell nor produced and shawin their warrands to thame but remaines publicitie and avowedlie in the croui, to the contempt and misregarde of his Majestie Counsell; thairfoir the saids Lords ordains letters to be direct charging the persons foresaids to compeir personallie before the saids Lords upon the day of July instant and to bring and produce with thame their saids warrands to be scene and considerit be the saids Lords, and to underly suche order as saill be tane thereanent, under the pane of rebellioun, etc., with certificaion, etc.; certifieing thame alsua if they compeir not that the saids Lords will recall the saids licences."

Sederunt—Chancellor; Privy Seal; Wintoun; Linlithgow; Perth; Holyrood House, 12th Wigtoun; Roxburgh; Buccleuche; Lauderdaill; Bishop of July 1692. Dumblane; Bishop of the Yles; Lord Gordoun; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracqair; Advocate; Sir John Scot; Sir James Baillie.

"The whilk day the Erles of Roxburgh and Buccleuche having for thair better information anent the trew rent of the eredome of Bothuell and abbacie of Kelso demanded Francis Steuart if he had anie rentalls of the said eredome and abbacie of Kelso, the said Francis declared that he had no other rentall then what he had givin in and disclaimed all others rentalls, and would not clame the benefite thairof in tyme
comming. And declares that he hes none of his fathers rentallis nor
could give no informatiou thereenent but would adhere and acquiesce
with what the saids Erles could depone upon their oath."

"The whilk day Francis Steuart produced three bookes conteaining
the names of the tennents-and lands belonging to the eredome of
Bothuell and abbacie of Kelso, whairof twa wer givin up to the Erle of
Buccleuche and one to the Erle of Roxburgh to be advised with till
Tuisday."

"The Lords with consent of parteis ordains the Erle of Lauderdaill to
give inspection to the Erle of Roxburgh of what writs he hes con-
cerning the eredome of Bothuell and abbacie of Kelso."

"The quhilk day in presence of the Lords of Privie Counsell compeir
d personallie M' Williamie Guild, commissioner frome the diociie of Aber-
derin, and gave in to the saids Lords the greevances of the Synodall
Assemblee of the said diociie subscryved with his hand, of the qhilk.
the tennour folowes:—

The Greevance of the Synodall Assemblee of Aberdein by thair
commissioner to the Lords of his Majesteis most honourabill
Privie Counsell.

It is greevousole regraited that when the Churche hes used the censure
of excommunicatioun, and upon it horning aganis obstinat papists, and
implored and obteained the auctoritie of his Majesteis Counsell so farre
as the lawes of the kingdome doeth permit, yt these obstinat papists
for eluding both of Churche and Counsell makes a cullour of
removing furth of the realme, and after they have remained sometyme
furth thairof they upon false narratives suppicat his Majestie and
obteenes licences to returne for a certane space, during whiche tyme
those of thair profession ar greatlie thereby encouraged upon expecta-
tion of finding the like libertie to returne to the countrie when they
shall be reduced to the lyke extremitie as thamselfees hes beene;
whairof the diocesan churche of Aberdene hes found the prove in the
persons of Thomas Menziez of Balgownie, Patrik Con of Artrochie and
Robert Irwing, burges of Aberdein, who pretends the having of a
constant warrant for his brother, M' Alexander Irwing, Thomas
Menziez and hiselfe of remaining and resorting from tyme to tyme to
the countrie continuallie.

The evills whiche have followed upon the returne of excommunicat
papists within the countrie.

1. A number of his Majesteis subjects who wer at the point-of giving
obedience to the Churche before their returne ar now become so obstinat
that they will abide the last dint of excommunicatioun and after that
horning and thereafter the auctoritie of the Counsell and after that banishment, expecting after it (whiche is the last) the lyke favour of returne.

2. These who returne come not alone bot under their cullour lyke-ways Jesuits and seminarie preists repaires frequentlie to the countrie, and going about to the houses of simple ones perverts thame; so that now more Jesuite and seminarie preists ar observed to have resorted thither within this short tyme nor of before, as the severall acts of their conviction agenis their ressetters exhibite at this tyme to your lordships hes givin sufficient preofe.

3. The hands and hearts of pastors ar mucche discouraged and weakened when they find all their travellis and labours for purging the land of idolatrie to be frustrat when after three or foure yeares processe agenis papists before excommunicatyon and a long tyme after before his Majesties Counsell for urging the execution of the lawes thereupon all resolves in banishment and the banishment in a licence to returne, and the licence to returne in an increas of obstinacie.

And seing the remedie heirof stands in the sole and soverane power and pleasure of his sacred Majestie who, upon the knowledge of such heavie prejudices whiche arises by granting licences, may be pleased ather to recall or restraine and refuse thame altogidder, or before the granting of suche to referre the tryell of the pretendit causes to your lordships and to heare the bishop of the diocie or commissioner of the Churche thereanent before the granting thairof, thairfuir humbelie supplicats your lordships to send up this our greevance to his sacred Majestie that his Hienes, zealoulie considering heirof may doe heerin as sall seeme best to his royall pleasure. *Subscribitur, W™ Guild, commissioner.*

Qubilks greevances being heard and considerit be the saids Lords and they advised therewith, the saids Lords ordains the same to be sent up to his Majestie, togidder with ane missive, of the quhilk the tennour followes:—Most sacred Soverane,—This day compeirred before us ane commissioner frome the diocesan assemblie of Aberdene and exhibite unto us certane greevances of the said assemblie concerning the proud contempt of some obstinat excommunicat papists who being denounced your Majesties rebellis and removed out of the kingdome for that caus, have procured licences to returne for a short space, wherein they ar allledged to live more scandaloulie than before, and the said commisioners humble desire wees that we would send up the saids greevances to your most sacred Majestie. We having heard and considerit thair petitioun and desire in this point have thought it our dewtixe to send up the saids greevances to your Majestie, and will humbelie intreate your Majestie after consideratioun thairof to returne unto us the signification of your royall will and pleasure thereanent. And so praying God to blesse your Majestie with a long and happie raigne, we rest, Halyrud-

"Anent our soverane lords letters direct makand mentioune, forsomeekle as Doctour William Leslie and Robert Irving, burges of Aberdeen, being removed out of this kingdome for their obstinat refusisall to conforme themselfes to the religioun presentlie profest within the same, and they being under band not to have returned without his Majestis licence they, upon some sinisterous information, hes procured warrand and licence for their retorne; and now being returned they have never acknowledged his Majestis Counsell nor produced and shawin their warrands to thame, bot remaines publicli and avowedli in the countrie to the contempt and misregarde of the saids Lords; And anent the charge givin to the said Doctour Leslie and Robert Irving to have con trẻed personallie before the Lords of Privie Counsell this present twelve day of Julij instant and to have brought and produced with thame their saids warrands to have beene seene and considerit be the saids Lords and to have underlyne suche order as sould be tane thereanent, under the pane of rebellion, etc., with certificatiaon, etc., certifeing thame alsua if they con trèsed not the saids Lords would recall the saids licences, lykeas at mair lenth is conteanit in the saids letters, executiouns and indorsations thereof: Quhilks being callit" and John, Bishop of Murray, compeirand personallie with the saids Doctour Leslie and Robert Irving, who allledged that they had his Majestis warrands for their retorne within this kingdome; quhilk allledgedance being heard and considerit be the saids Lords and they being therewith well advised, the Lords of Secret Counsell assignes to the said Robert Irving the twentie sext of this instant for production of his warrand, and to Doctour Leslie, Thursday nixtr for production of his warrand with the act of Counsell following thairrupoun; and ordaines the Bishop of Murray to produce that day the act of Assemblie tuiching doctors of medicine; and allows the said doctour to attend the Marquis of Huntie for ministring of physick unto him; and ordains him to carie himselfe modestie without giving mater of offence or scandall and not to repaire in anie wyayes publicli in tyme of divine service under the pane of recalling of his warrand."

"The Lords prorogates the warrand grantit to Aberyledie till this day eight dayes."

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Wigtoun; Roxburgh; Buccleuche; Launderdail; Annerdaill; Lord Gordon; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Naper; Lord Tracquair; Secretary; Sir James Baillie; Sir John Scott.

Francis Stewart, son of
personally Francis Steuart, sonne to the lait Erle of Bothuell, and declared that for the trew and more speedie tryell of the estait of the kirk belonging to the abbacie of Kelso, whairof the Erle of Roxburgh is not in possession by intromission with the teinds of the same, he was content to referre to the oath of veritie of the said Erle of Roxburgh for the talle dewtie of the saied teinds and gressomes receaved by the said Erle for the same, and what tacks or other rights of the saied teinds the said Erle hes made or grantit since the tyme of the forefaltour, as also what the teinds of the saied kirk payed of old to the Abbots of Kelso and lait Erle of Bothuell sua far as the said Erle knowes himselfe or can be able to learne by informacion from others. And siclyke the said Francis declared that he was content and consented that the dewties payable to the said Erle of Roxburgh furth of the kirk lands of the saied Abbacie for what the said Erle possesses in the right of the forefaltour together with the gressomes receaved by the said Erle for and in satisfaction of the right made be him of the saied lands sould in lyke maner be cleered and provin by the oath of veritie of the said Erle; with the whiche forme of tryell thus referred by the said Francis to the said Erle of Roxburgh his oath of veritie the said Erle being lykewayes personallie present was content and acquiesced. In respect whairof the said Lords hes assigned and be the tennour heirof assignes to the said Erle of Roxburgh the twentie saxe of this instant to give his oath of veritie tuiching the truthe of the premisses; and ordains the said Erle to condescend that day what kirklands he hes sett in few and what in tacke and what gressomes he hes receaved for the same by and attour the saids yeerlie dueteis.

"Forsameekle as upon the twelffe of this instant Francis Steuart, sonne to the lait Erle of Bothuell, compeirand personallie before the Lords of his Majesteis Privie Counsell, and having exhibite ane rentall of the lands and teinds of the Abbacie of Kelso blanke in the dewtie of the particular lands and teinds thairof which he craved to be filled up by the Erle of Roxburgh upon his oath of veritie, the said Erle compeirand this day before the saied Lords he reproduced the said rentall togider with the just double of the same filled up by him in maner foresaid, whairupon and anent the truthe thairof the said Erle being sworne in presence of the said Francis, he declared upon oath that according to his awne knowledge and the informacion he had frome others the rentall foresaid filled up by him, as said is, wes just and trew and thairupon subscrived the same. In respect whairof the saied Lords with consent of the said Francis and conforme to ane proceeding act of the 21 of Junij last hes susteanned the said rentall and ordains the same to be receaved and stand in force agains the said Francis and to be exclusive of all after tryell and probation for the particular lands and teinds therein conteanit."

"Forsameekle as upon the twelffe of this instant Francis Steuart, sonne to the lait Erle of Bothuell, compeirand personallie before the Lords of
anent the rentals of lands which he owns from the forfeited estate of the late Earl of Bothwell.

his Majestis Privie Counsell, and having exhibit twa rentalls, one of the lordship of Liddissdail and another of the lordship of Crichtoun, Morhame and Hales, conteaining the lands and teinds of the said lordships blanke in the dewtie of the particular lands and teinds thairof quhill he craved to be filled up by the Erle of Buccleuch upon his oath of vertie, the said Erle compeirand this day before the saids Lords reproduced the saids rentalls togidder with his answere made to the saids rentalls conteaining ane rentall of the lands and teinds foresaidis givin up be the said Erle himsellie in so far as concernes the lordship of Liddissdail. And tuicheing the lands and teinds of the lordship of Crichtoun, Morhame and Hales the said Erle declared that he adhered to the first rentall givin in be him of the saids lands and teinds in the moneth of Marche last. Quhairupon and anent the truthe thairof the said Erle being sworne in presence of the said Francis, he declared upon oath that according to his awne knowledge and the information he had from others the twa rentalls foresaidis wer just and trew; and thairupon subscrived the same. In respect whairof the said Lords with consent of the said Francis and conforme to ane preceeding act of the 21 of Junij last hes susteanned the saids twa rentalls and ordains the same to be receaved and stand in force againis the said Francis and to be exclusive of all after tryell and probation for the particular lands and teinds therein conteanit.

"The whilk day James Crichton of Fendraucht togidder with Mr James Baird, his procuratour, compeirand personally before the Lords of Privie Counsell, protested that the said James being declared free and innocent of the burning of his houss of Fendraucht and of the noblemen and others being therein for the tyme, he may have actioun againis the Marquis of Huntlie and Lord Gordoun for dommage and expenses."

"The Lords of Secreit Counsell ordains and commands the Justice deputs to grant letters to the Marquis of Huntlie for persewing of Johne Toschoche for the crymes to be conteanit in his dittay."

"The whilk day Johne Mure of Auchindraine was committit to the tolbuth of Edinburgh for wryting a challenge to the Laird of Gagirth; his Majestis shireff."

Holyrood House, 19th July 1632.

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Roxburgh; Bucceleuch; Annerdaill; Lauderdale; Bishop of Dunkeld; Bishop of Dumblane; Bishop of Yles; Lord Gordoun; Arekeine; Melvill; Carnegie; Naper; Traquair; Secretary; Advocate; Sir John Scot; Sir James Baillie.

Decleration by "The whilk day Johne Home of Rentoun, shireff of Berwick, compeirand the Sheriff of Berwick anent personallie before the Lords of Privie Counsell declared that for obedience of the Counsellis charge he had past upon Fryday last with James
Nasmith and putt him in possessioun of the hous of Coldingknowes, and the House
took inventar of the goodis being therein and stayed the morne till the
said James held ane curt where the tennents gave all dewtiful obedience
and comperiance. Quhilk declaration being heard and considered be
the saids Lords they allow of the Shireffs diligence in this mater.”

“The whilk day Francis Stuart, sonne of the lait Erle of Bothuell,
comperand personallie before the Lords of his Majestis Privie Counsell
declared that for the trewe and more speedie tryst of the estait of the
kirkis belonging to the erldome of Bothuell whairunto the Erle of
Buccleuch pretends right by the forefaltour of the lait Erle of Bothuell
and whairof the said Erle of Buccleuch is not [sic] in possessioun by intro-
missions of the teinds of the samyn kirkis, he was content to referre to
the oath of veritie of the said Erle of Buccleuch the tacket dewteis
payable to him furth of the saids teinds and pressummes receaved by
him for his right and consent to the saids tacks, and what tacks or
others rights of the saids teinds the said Erle hes made or grantit since
the tyne of the forefaltour; as also what the teinds of the saids kirkis
payed of old to the Erle of Bothuell, so farre as the said Erle of
Buccleuch knowes of himselfe or is able to learn by information from
others; with the whiche forme of tryst thus referred by the said
Francis to the said Erle of Buccleuch his oath of veritie, the said Erle,
being personallie present, wes content and acquiesced. In respect
whairof the saids Lords hes assigned and be the tennour heirof assignes
to the said Erle of Buccleuch the 26 of this instant to give his oath of
veritie tuiching the truthe of the premises.”

“The whilk day Walter, Erle of Buccleuch, compeirand personallie
before the Lords of Privie Counsell, declared that he disclaimed all right
that he can pretend to the kirkis of Woltoun and Liddisdaill by the fore-
faltour of the late Erle of Bothuell.”

“The Lords of Secret Counsell according to ane warrand in writ
presented by the Kings Magestie and this day presented to the saids Lords
grives and grants thair warrand, libertie and licencie to Sir George Home
of Manderston and Sir Alexander Home, his sone, to come in publict
for settling thair lawfull affaires within this kingdome till the last day of
Marche nixtcome, discharging in the meane tyne all shireffs, stewarts,
bailles of regalitezis and thair deputis, provests and bailles within burgh,
and all others judges, officiers and magistrat to burgh and land, and als
all messengers of armes of all troubling, warding or arreisting of the saids
Sir George and Alexander Homes be vertue of anie civill horryngs,
captious or other warrand execute aganis thame for any debts;
discharging, etc. Followes his Magestis missive for warrand of the act
abonewrittin: Charles R. Right trustie and right weilbelovit cousin
and counsellour, right trusty and weilbelovit cousins and counsellours,
and right trustie and weilbelovit counsellours, we greit yow weill.
Whereas upon good consideratiouns we wer pleased a yeere agoe to grant

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to our welbelovit servant, Sir Alexander Hume, a protectioun for one yeare whairby to free him from some encumbrances brought upon him in his younger yeeres and to the end he might have the concurrence of his father, Sir George Hume, (necessarilie requisite unto him) yow did upon our letter grant ane protectioun to the said Sir George. In regarde at that tyme our said servant for occasions speciallie concerning our service was forced to repairre from thence to our Court whereby he did lose the opportunitie and benefite of that tyme grantit to him, our pleasure therefore is that according to our first intentioun yow grant of new to our said servant and his father libertie to come in publicit for the lawfull settling of their affaires till the end of the ensowing winter session, for whiche these sall be your sufficient warrand. We bid yow heartlie farewell. From our manour of Greenewiche, the 27 of June, 1632."

"A letter from his Majestie for perusal of a grammar compiled by M' Robert Williamesoun, and granting libertie to him and his partners to print and sell the same for the space of twentie ane yeeres."

"The Lords continewes the compeirance of M'Neill of Barra and Lochbowy till the first Counsell day of November."

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Roxburgh; Bucleuche; Launderaill; Bishop of Dumblane; Bishop of the Iles; Lord Areskine; Melvill; Carnegie; Naper; Traquair; Secretary; Sir James Baillie.

[No record of business.]

Postponement "The Lords of Secret Counsell for certane causes and considerations moving thame ordains and commands his Majesties Justice, Justice Clerk and thair deputis, to continew the dyet appointed for tryell of the Lord Uchiltrie upon the points whairof he is accused before thame till the 24 of August nixt, quhereanent thir presents sall be to thame ane warrand."

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Roxburgh; Bucleuche; Annerdaill; Bishop of Dumblane; Bishop of the Yles; Lord Melvill; Lord Carnegie; Lord Naper; Lord Traquair; Secretary; Sir James Baillie.

Cases of Doctor William Leslie and Robert Irving for production before the Lords of Privie Counsell of the warrands grantit to thame for thair returne within this kingdome, as in
1632. CHARLES I.

cated Papists, who have returned to Scotland, from which they had been banished.

the act made to this effect at length is contenant; quhilk being callit and John, Bishop of Murrey, compeirand personallie, who produced and exhibit before the Lords of Privie Counsell ane act and warrand of Counsell of the dait the sixteenth day of December, 1616, containing ane prohibitioon and discharge to all persons of what ranke and qualitie so ever be they that name of thame presomo nor take upon hand to profess or practise physick whill first they receave ane testimoniall of the Bishop of the diocie where they dwell of their conformitie to the trew religioun presentlie profest and be law established within this kingdome under the pane of fuye hundruth merkes to be incurred be everie persoun contraveneing thir presents; and the said Doctour William Leslie compeirand personallie, and the said Robert Irwing compeirand be M' Robert Petrie, his procurator, who for obedience and satisfaction of the act foresaid and terme assigned to thame for production of their warrands produced and exhibit before the saids Lords thair warrands for thair returne within this kingdome, to writ—the said Doctour Leslie produced his warrand and act of Counsell grantit to him for his returne within this kingdome and the said M' Robert Petrie, in name of the said Robert Irwing, produced ane warrand grantit to the said Robert be the Kings Majestie for his returne within this kingdome and for his remaining therein during the space of sax moneths to order his effaires, as the said licence bearing dait at Grenewiche, the 25 day of May 1631, yeeres beirins. Quhilkis warrands being read, scene and considerit be the saids Lords and thay well advised therewith, the Lords of Secret Counsell finds and declares that the licence grantit to the said Doctour Leslie wes onelie in favouris and for the service of the Marqueis of Huntlie, and thairfor discharges the said Doctour of all ministriing of physick to anie others persons within this kingdome except to the said Marqueis of Huntlie and his familie allanerlie; and commands the said Doctour, who wes personallie present, to carie himselfe soberlie without giving scandal or offence in matters of religious or misbehaving himselfe towards the bishops or ministers under all highest censure that can be inflicted upon him. And the saids Lords ordains ane authentick copie of the licence grantit to the said Robert Irwing to be sent to the Bishop of Abirdein to the intent he may be advised therewith and know his Majesties will and pleasure thereanent. Followes the tennour of the licence:—CHARLES R. Whereas we have bene humbelie petitioned in behalfe of Robert and Alexander Irwings and Thomas Meinzeis that they may have suche libertie to trade in that our kingdome as is grantit to anie stranger resorting thither and the rather that they out of ane humble and dew obedience to our lawes did abandoun our said kingdome and have settled thameselfes, wifes and familieis in Deepe in France, where they (being reduced to great povertie) can hardlie live (as we ar informed) without they be licenced to repayre to and frome that kingdome for dispachte of thair necessarie effaires in trade of merchandice,
and in some things concerning their owne privat estaites wherewith they (in obedience to our saids lawes) could not have tyme to take order at their departure thence; these consideratiouns jynned with that of their losse susteanned (as we ar lykewaies informed) by thame, have moved in us our princelie compassion so farre to give way to their demand as may not anie wayes wrong or derogate frome the estait of the present religioun within the said kingdome. To whiche purpose we have signified our pleasure to our Counsell. These ar thatfor to licenc the saids Robert and Alexander Irwings and Thomas Meinzieis during the space of sax moneths to order their affaires within the said kingdome and to trade within the same frome tyme to tyme as occasion sall require during the said space, they behaving themeselfes as aforesaid, inhibiting yow and everie of yow frome troubling or anie wayes molesting the saids persons or anie of thame at anie tyme as aforesaid or upon anie occasion in despatching their saffaires as yow and everie of yow will answer us in the contrare at your perrills. So we bid yow farewell. Givin at our mannor of Greenwiche, the 25 day of May, 1631. To all and sindrie our officers, servants and others, our subjects whatsoever, as weill ecclesiasticall as civill, of our kingdome of Scotland whome these presents doe or may concerne."

"The whilk day in presence of the Lords of Secreet Counsell compeird personallie James Crichtoun of Fendraucht, on the ane part, and John Leslie, appearand of Pitcaple, for himselfe and takand the burden on him for suche of his freinds and servaunts as were charged as partieis before his Majesteis Counsell and Justice anent the burning of the hous of Fendraucht and witnesse before his Majesteis Counsell for cleering of that caus, on the other part, and submitted, lykeas be the tenour of this present act both the saids partieis for thameselfes, and the said Laird of Pitcaple takand the burden on him, as said is, submits the present differences standing betuix thame tsucheing the damage and expenses craved be the said Laird of Pitcaple frome the said Laird of Fendraucht and alledged susteanned be the said Laird of Pitcaple himselfe and his saids freinds and servaunts throw the charging of his saids freinds and servaunts and his and thair attendance upon the mater foresaid, togidder with the actioun depending thairupon before the saids Lords, and the answeres made or to be made thereto be the said Laird of Fendraucht, to the decreit and determination of the right honourable George, Vicount of Dupline, Lord High Chancellor of this kingdome, and to his sentence to be givin and pronounced therein; lykeas the said Lord Chancellor accepted this submission in and upon him and hes appointed and be the tenour heirof appoints the last day of August nixto come to both the saids partieis to convene and meet with him at the burgh of Perth, and to produce with thame their claimes and the answeres and objectiouns concerning the same and what either of thame hes to say, propone or alledge aganis others, to the intent that after consideratioun
thairof the said Lord Chancellor may the more cleerelie and resolutelie goe on to the pronouncing and delyverie of his decreit and sentence. Lykeas the said Lord Chancellor promeist to give furth his decreit and sentence heeranent betuix and the first Counsell day of November nixtocome, and both the saide partes bound and oblest thame to stand, abide at, underly and fullfill all and whatever the said Lord Chancellor saill pronounce and delyver in the premises but appellationoun, reclamatioun, or agane calling whatsomever."

"The whilk day in presence of the Lords of Secret Counsell compeired personallie Thomas Gordoun, brother to James Gordoun of Letterfoure, for obedience of the act whereby he was bound to that effect of the dair, the fyftene day of November last, insert and registrat in the booke of Privie Counsell, quhilk act being read, heard and considerit be the saids Lords, and they being willing to use all lawfull meanes for reclaiming of the said Thomas from his oppiniouns to the acknowledgment of the truthe, thairfoir the Lords of Secret Counsell hes prorogat and continewes the warrant grantit to the said Thomas upon the said fyftene day of November last for his conforming himselfe to the religioun till the 25 day of Januarie nixtocome. Becaus the said Thomas Gordoun, compeirand this day personallie before the saids Lords, as said is, actit, band and oblest himselfe that betuix and the terme of Martimes nixtocome he saill repaire to the burgh of Aberdein and remaine there be the space of fyftene dayes togidder for receaving instruction and informatioun in the doubts of his religioun fra Doctour Johne and William Forbesses or Doctour Baron, or one or other of thame, as they salbe directed be the Bishop of Aberdein. And if induring the tyme abonewritten he cannot be moved to repaire to the kirk for hearing of the Word that than he saill compeir personallie before the saids Lords upon the said 25 of Januarie nixt for receaving thair forder will and pleasure concerning him, under the pane of ane thousaund merkes, and that in the mean tyme, whill the said 25 of Januarie nixt, he saill carie himselfe modestlie and soberlie without giving occasioun of offence or scandal to the Kirk, under the said pane of ane thousaund merkes."

"The Lords of Secret Counsell according to ane warrant and direc- tioun in writ signed be the Kings Majestie and this day presented unto thame hes remitted and discharged and be the tennour of this present act remitts and discharges to James Law, Snadoun Herald, all and whatsom- ever soumes of money of his Majestis taxatiouns intromitted with him in ane tyme bygane, thairof he hes not made compt nor payment; and exoner, freeaths and releevs him of the same for ever, and that in respect, as his Majestie is trewlie informed, the said James by his panes and travellis and great charges and expenses hes discovered great soumes of concealed monies quhilks without his travellis had never come to light. And for the said James his forder exoneratioun and releefe of his intromissiouns with the saids taxatiouns the saids Lords, according to his
Majesteis warrand foresaid, recommends to the Lords of his Majesteis Exchecker the passing and expeding of the lyke act of exoneration and discharge in favours of the said James; quhilk act so to be exped in Exchecker with this present act sall be ane sufficient exoneration and discharge to the collectours of the said taxatioun now present or who wer for that tyme, and to all others whome it may concerne, in their accompts, and upon production of their acts the same sall be allowed to thame in compt. And siclyke the saids Lords according to his Majesteis said letter ordains and commands the provest and baillies of Edinburgh to put the said James Law to libertie and freedome furth of their tolbuith in so farre as he is warded for the caus abonewrittin and to suffer him pass where he please, quhairinant the extract of this act sall be to thame a warrand. Followes his Majesteis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trusty and weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Being informed that James Law, Snadoun Herald, did make use of some of our taxatiouns (with the collection whairof he wes than intrusted) for not delyverie of whiche unto our use he is now a prisoner, and that by his panes and travellis in discoverie of diverse concealed moneyes whiche wer brought in for our use, and for other good services done by him unto us, we owe unto him some soumes of money, our pleasure is that yow consider his panes and examine his accompts, and that yow remitt and discharge him of what sall be found dew unto us by him, that thereupon ane act of Exchecker be made for his exoneration at the hands of our Collectour Generall of our taxatiouns now or who wes for that tyme, and of all others whome it may concerne; "giving order that he be no longer deteanned in prison for that caus, for whiche these sall be your warrand. We bid yow heartilie farewell. Frome our mannour of Greenwiche, 15 of June, 1632."
"Forsameekle as upon the nynteenth day of Julij instant Francis Steuart, sone to the lait Erle of Bothuell, compeirand personallie before the Lords of Privie Counsell, referred to the oath of veritie of Walter Erle of Buccleuch, the tacke dewtie payable to the said Erle with the gressome receaved by him furth of the kirks of Hauche, Aldhamstockes, Morhame, Crichtoun, Quhitsome, Wiltoun, Carruther, Galry, Bothuell, Hawick, Woltoun, and Dolphinstoun with the prebendaires and chaplareis belonging thereto, whairof the said Erle hes the patronage in the right of the forefaltour, and this present day being assigned to him for that effect, the said Erle, compeirand personallie this day before the saids Lords, gave in his declaration in writ, of the whilk the tennoor followes:—Answeres be the Erle of Buccleuch to the clame givin in be Francis Steuart anent the patronage of the kirks whilk the said Erle hes be the forefaltour of umquhill Francis Steuart, lait Erle of Bothuell, and of the commoditie that the Erle of Buccleuch or his father hes had by them since the forefaltour. Imprimis, To the kirk of Hauche, whilk is commounlie callit the kirk of Prestoun, the Erle of Buccleuch nor his father never had commoditie thairof, and all that they hed was onelie the power to present ane person minister thereto. Lykeas this Erle of Buccleuch presentit Mr James Dalyell, now minister thereat. Item, as to the kirk callit Aldhamstockes, Repits ut supra, and that the Erle of Buccleuch hes presented one callit Mr Johne Patersone. Item. Repits the lyke for the kirk of Morhame, whairunto the Erle of Buccleuch hes presented Mr Thomas Turnebull, persoun and minister thereat. It is trew that umquhill Daniel Wallace, who wes last minister thereat, gave certane tacks to Francis Steuart or ane or others in his name of the teinds thairof, whilk he and they hes bruikd and as yitt possesses. Item. The provestrie of Crichtoun was provydit be the last Lord of Buccleuch to umquhill Sir Gedeoun Murray of Elibanke, knight, last provest thereat, who in his lyfetyme sett als manie tacks of the said provestrie with consent of the patron as might subsist and stand be law in favours of Williame Murrey, his brother, whilk tacks sensyne be the platt ar prorogat for the space of ane hundreth yeeres longer, and the dewtie the tacks extends to, three hundreth merkes yeerelie; and since his decease presentit Johne Scot, his brother naturall thereto. Item. Repits the lyke for the kirk of Quhitsome, and that the last Lord of Buccleuch presentit Mr Alexander Kinneir, last minister thereat, without anie gratitude or good deid, and hes onelie right to the presentatoun thereof. Item. The kirk of Wiltoun is takin by the Erle of Buccleuch's father as vaikand in his Hienes hand by the forefaltour of umquhill Francis, sometyme Erle of Bothuell, nottheles he it trew and of veritie that the Erle of Buccleuch and his predecessours hes right to the said

1 Omitted at its proper place in the Register. An act to the same effect is inserted, also out of its place, on fol. 147, b. And on the margin it is stated there—"This declaration is ane more particular forme to be found upon the saxth leaf after this."
kirk be the space of ane hundreth yeeres before the said forsaltrie. Lykeas the Erle of Buccleuches father presentit M' William Clerk, minister thereat, who is yit alive. Item. As to the kirk of Carruthers, it is takin be the Erle of Buccleuch throw the foreftour of the said umquhill Erle Bothuell; nottheles the kirk is presented be the Erle of Nithisdail and at his presentationoun. Lykeas the tyme of the forsaltrure of the last Erle of Nithisdail, Sir Gedeoun Murray, having right by the forsaltrie, presented ane person minister thereat, and thereby the Erle of Buccleuch wes excluded. Item. As to the kirk of Galry and patronage thereof, the Erle of Buccleuch hes no right thereto; bot the same wes gifted to my Lord Ochiltrie togidder with the baronie of Erlestoun, callit Glengen, be his Majestie, and, as we understand, the Laird of Lochinvar hes the same at his directioun. Item. As to the kirk of Bothuell and provestrie thereof, the samie is dispouned be the Erle of Buccleuch at his Majesteis command in favours of the Marques of Hamilton, and swa the Erle of Buccleuch is quite thairof, and that quhilk belonged to the Marques comes not in compt at this tyme. Item. As to the kirk of Hawick, M' Robert Cuninghame is presentit be the Erle of Buccleuch person and minister thereat be the deceasse of umquhill M' Adama Scot, last minister thereat; quhilk umquhill M' Adame wes presented be the transportioun of M' Thomas Abirnethie, whilk M' Thomas Abirnethie wes presented be the Erle of Buccleuch thereto by the deceasse of umquhill M' William Fowler, who wes presentit be umquhill Francia, lait Erle of Bothuell, long before his forsaltrie; quhilk umquhill M' William Fouller as person and vicar of Hawick sett tacks of the personage and vicarage thairof to umquhill Sir Gedeoun Murray for manie yeeres yitt to rin, quhairunto the said umquhill Sir Gedeoun Murray hes constitute the Erle of Buccleuch assigney for great soumes of money. Item. The patronage of the kirk of Liddissdaill is lykewaies takin be the Erle of Buccleuch throw the forsaltrie of the lait Erle of Bothuell. Yitt it is trew that the kirk of Liddissdaill is ane of the kirkis of the Abbacie of Jedburgh, and the abbacie erected in ane temporall lordship in the person of the Erle of Home, who hes dispouned the same to umquhill Sir Johne Ker of Jedburgh; quhilk Sir Johne Ker of Jedburgh hes dispouned both the kirklands and teinds to the Erle of Buccleuch heretablue, and be that right the Erle of Buccleuch cleiths himselfe. Item. As to the kirk of Wolstoun and Dolphinstoun the Erle of Buccleuch clames no right thereto; bot as we ar informed the Erle of Mar has the right and presentatioun of thame both. With the quhilk declaratioun the saids Lords being weill advised they have notwithstanding thought meit for his Majestie better information anent the different worth of the particular patronages of the saids kirks that the estait of the several kirks of the saids patronages sall be reported to his Majestie according as the same ar and sall be valued before the subcommissioners appointed for the valutioun of the teinds; quhiche report so to be made to his
Majestie concerning the valuations of the saids kirks the saids Lords sustanees to this intent and purpose allanerlie that his Majesty may be thereby acquaynted with the different worth of each particular patronage, as said is, and no forder. And the saids Lords declares that the valuations foresaid sall be no waiws obligatorie agains the said Erle of Buccleuch to make him comptable for the fruictes of the benefices as a part of the rent whiche he bruikes in the right of the forefaultour, seing he drawes no rent out of the same in the vertew of that right."

The shorter declaration by the Earl of Buccleuch is as follows:—

"Forsameekle as upon the nynteenth day of July (etc. as above) . . . of the quhilk the tennour followes:—The Answere givin in be the Erle of Buccleuch for satisfeig this dayes dyet, the 26 of July 1632 yeeres instant. The Erle of Buccleuch by his oath of veritie declares that the hail kirks belonging to his lordship by the forefaultour of the lait Erle of Bothuel, his lordship hes onelie right to these kirks as patron, and hes no intromission with the teinds of anie of thame by the forefaultour of the lait Erle of Bothuell. And declares that his lordship gott never anie entres or good deid for presentig of anie minister to anie of the saids kirks; and this Erle of Buccleuch sett never anie tacks of the kirks to no person nor persons nor never gott anie gressome nor entres for anie consent he gave to anie tacks sett by anie of the persons whome his lordship presented at anie tyne heeretofore, and knowes not what the teinds of the saids kirks payed of old to the lait Erle of Bothuell, nather can he learne by information of anie others. With the whilk declaratioun the saids Lords (etc. as above)."

Sedernunt—Chancellor; Privy Seal; Wintoun; Roxburgh; Buc- cleuch; Areake; Dumblane; Bishop of the Yles; Melvill; Naper; Secretary.

"The whilk day the missive letter underwrittin togidder with some Letter from his Majesty anent the coinage.

The whilk day the missive letter underwrittin togidder with some Letter from his Majesty anent the coinage. Having considered the great prejudice that we receave in our dominions by the abuse of the coyne, the best of our gold and silver being exported to forранe natious and ane base sort of money imported in place thereof, we have the more willinglie hearkned to suche propositions as wer made for remedie of the same that we may heereafter with your advice and with advice of our Counsell heere resolwe what course is best to be takin for reforming the present abuses and preventing the lyke heerafter. Our pleasure is that yow take the propositioun whiche we send yow heerewith into
your consideration, as lykewaies anie other that sall be made by John Acheson, generall of our Mynte there, having callit for thame for that effect, and after that you have seriouslie considderit of thame that so soone as convenientlie yow can yow certifie us of your opinion what yow thinke best to be done heerin, that we may hereafter take suche a course thereanent for the good of our kyngdome. And so we bid yow fareweill. Frome our Court at Greenewiche, the sixth of Junij, 1632.

"May it please your sacred Majestie—To take into your consideration the great abuse occasioned in your kyngdome of Scotland by the course of diverse forrayne coynes, especiallie ane great number of all kynds of dollers of the imperiall coynes and others, which being importet by the cunning and covetousness of privat men, ar vented at ane higher rate (by ten in the hundreth) then your Majesteis awne coynes, and so draw all your owne coynes out of the kyngdome to the un-supportable losse of your faithfull subjects and immeasureable gayne of strangers, who make their payment in these baser sorts of money for suche commoditeis as they buy (not being able to live without thame) and export yeerelie out of your Majesteis kyngdome of Scotland. For redresse of which abuses and releefe of your Majesteis faithfull subjects and to the end the saids forrayne coynes may be with als little losse as may be drawin out of their hands and yitt not exported out of the kyngdome (whiche would infalliblie come to passe if these coynes wer cryed don and reduced to their just value according to your Majesteis ordinances) it is humbelie propounded to your Majestie as the most expedient way that your Majestie would be pleased to have thame in your owne mynt converted into certane kynds of small coyne, whairof your subjects stands in neid, the fynnesse, weight and value whairof, als weill in worke as out of worke sall be after specified. And howsoever the best of the rex dollers being in weight and fynnesse according to your Majesteis ordinances worth no more bot 4s. 5d. sterline, nevertheles if it will please your Majestie for a certane tymne to remitt for the ease of the subjects and dispense with the right belonging to your Majestie upon the coyngage the saids rex dollours may be takin frome the subjects and converted into the said small coyne at foure shillings aucth penneis sterline, and the other forrayne coynes proportionallie to thair fynnesse, to witt, allowing for everie unce of silvir of 11d. fyne, 5s. 4d. sterline, whiche pryce the Maister of the Mynt must be obliged to pay to suche as bring in the saids forrayne coynes of that fynnesse. And to the effect there may be no abuse in the exchange thereof bot that suche as bring thame in may be sure to receave thair trew value according to thair weight and fynesse, they may have libertie to stand by and see thame melted in the Mynt, and thereafter (according to the judgement whilk the ordinar officiers sall make of thair value) receave frome the Maister of the Mynt thair just price at the rate of 5s. 4d. for the unce of silver 11d. fyne, which is at 4s. 8d. sterline for everie rex dollour. At whiche
rate of 4s. 8d. it is not fitt that the rex doller sould have course bot one else for the space of four moneths after proclamation, and after that tymne during the space of six moneths longer to be receaved at the rate of four shillings 6d.; whiche being lykewise expired than to reduce thame to their trew value of 4s. 5d. according to your Majesteis present standard, to run as bullion for the ordinarie silver coynes in all tymne hereafter or at the least till suche tymne as your Majestie sall give order to the contrarie, if yow should thinke fitt to raise the silver and make it in proportion with the gold upon report of these commissioners whom your Majestie hes appointed (heere in England) to consider of the fitnesse of that mater. In the meane tymne for the reasons above named the said coynnage of small money would not be differed.

"The small money to be coynned is after this proportion. The English pond weight consisting of 12 oz. at 11d. fyne to be worth in worke 3 11 6 8 sterline. Upon this price shall be coynned peces of 4, 2 and 1d. of 10 penny fyne shorne at 60 shillings in the said pond weight, to witt, 180 foure penny peces, 360 twa penny peces and 720 penny peces in the said pund weight, with the ordinarie remeides of two penney weight upon the fynnesse and of three foure penney peces, which is 4 pennie weight upon the tale for remedie upon the pound weight the 2d. and 1d. proportionably. The merchants sall have for the unce of silver of 11d fyne 5s. 4d. sterline and at this rate the rex dollers sall be takin from the subject at 4s. 8d. and others coynes proportionable to thair fynnesse. There will remaine upon everie pund weight of 10 dwt. fyne $21\frac{1}{2} \frac{1}{16}$ for the workmanship, waist in melting, fees, officers wages and others charges. It is to be considered that if the saids dollers war to be reduced to the rate of 11d. fynnesse for the coynage of the saids small monies the charges in refynning would be too great and the losse of the subjects would be too multe and the size of the peces too small and not mainable for the use of the people. Besides the small coyne being a little lesse fyne than the great (and yitt not so multe as to make the excessive gayne to encourage to import and vent counterfote in the kingsdome) the difference in the fynness will be a meanes to kepe the said small coyne within the kingsdome for the use of the subjects; and moreover in tymne comming there will be no want of forran coyne at 10d. fyne at reasonable rates to serve for necessarie coynage of the said small money when it pleases your Majestie to give order for it. Quhilke missive and overtures being heard and considderit be the saids Lords, they ordaine copeis thairof to be delvered to the provest and bailleis of Edinburgh and Maister of his Majesteis Cunziehous to be advised therewith till the first Counsell day of November nixtocome."

"Forsamekele as the Kings Majestie out of his royall and princelie regarde of the weale of this his ancient kingdome, being carefull to foresee all occasiouns for preventing anie inconvenient that may come by Act forbidding the leading of teinds in the current year except by such
persons as have been in the habit of leading them for some years past.

leading of teinds this yeere, his Majestie for this effect gave direction to the Commissioners nominat be his Majestie for the treatie anent the Surrenders and Teinds to take some course that the heretours might have the teinds of their owne lands according to the valuations made or to be made, they paying or securing their teindmaisters for the same, especially where the titular being callit was found and declared to be in default of the not valuations of teinds; quhairupon sindrie titulars and heretours being lawfullie convened before the saids commissioners and they having takin tryell in some particulars concerning this bussines, a part of thame has been discust, but the shortnesse of tyme and manie great occasions of his Majestis affaires and service in the meane tyme interveening, impeded and stayed the Commissioners to discourse all the citationous and warnings givin to that dyet. And whereas some mistaking might be apprehendit be his Majestis subjects of his Majestis gracious and royll intention anent the mater of the teinds, as if his Majestie intendit that everie heretour should leade his teinds without respect to the valuations and in whois default the not valuations hes proceedit, thairfor the Lords of Secret Counsell, for preventing of suche mistakings and for cleering of his Majestis subjects of thair doubts in this point, hes thought met heirby to signifie and declare that none of his Majestis subjects whatsoever ar warranted by his Majestie to leade thair teinds this present yeare but suche as hes beene in use of leading thir diverse yeares bygane and hes beene heard before the saids Commissioners and by thame hes beene allowit to doe the same. And thairfor ordains letters to be direct to command, charge and inhibite all and sindrie his Majestis lieges and subjects be opin proclamation at the mercat croces of the heid burrowes of this kingdom and other places needfull that none of thame presomme nor takon upon hand to leade thair teinds this present yeere except suche persons as hes beene in use of leading thair teinds thir diverse yeeres bygane and such as hes beene warranted be the saids Commissioners to do the same, they fulfilling to the titulars the conditions prescryved unto thame, under all highest pane, cryme and offence that they may incurre aganis his Majestie in that behalff, and to be callit, persewed and punished as disturbers of the publict peace and quyetnesse of the kyngeome.

"Ane missive frome his Majestie anent the Hamburgers and Captane Robertsone."

"After our verie heartilie commendationous. This poore woman, Marion Stewart, hes long attendit heere craving justice for the foule murder of her brother and restitutioon of her goods tane fra herselffe by a way of stoutheraffe, and she is now come to this point that she is content both to submit the murder of her brother and the reaving of her to the Laird of Achinbreck and Coline Campbell of Barbreck and to Mr Deandal McIlворie and Hew Camroun, ministers. And seing we have beene long importunnt be her, as your lordship knowes, and that she is
ane poore miserable creature whose condition is to be pitied, we have thairfor thought met to recommend her and this her offer of submission unto your lordship, earnestlie requesting your lordship to take some doing therein for the poore woman her reasonable satisfaction, as we be no forder impeached nor troubled with her. And so with the remembrance of our best affections, committing your lordship to the protection of God, we rest, etc. Halyrudhous, 27 July, 1632. Subscribitur, Geo: Cancell., Hadintoun, Wintoun, Roxburgh, Buccleuch, Areskine, Melvill."

"CHARLES R., Right, etc. Whereas our trustie and wellbelovit Lieuentenent Colonell McDougall hes caused move us in behalfe of our brother, the King of Sweden, for our licence to levey two hundreth men in that our kingdome for his service in the warres, to the effect all expeditioun be used for furthering him therein, our pleasure is that with diligence you grant unto him ane sufficient warrand with als ample commissioun for levyeing and transporting the saids two hundreth men as heretofore hes beene grantit to anie, and to that effect that yow grant licence to towke drummes, he always giving suche satisfaction to everie one of that number as he and they sall condescend upon according to the forme accustomed; for doing quhaisf these presents sall be your warrand. So we bid yow farewell. Frome our Court at Oatlands, the 29 day of July, 1632."

"Anent our soverane lords letters direct makand mentioun, Forsameelke as Patrik Con of Achry, being removed out of this kingdome for his obstinat refusall to conforme himselfe to the religious presentie professit within the same, and he being under band not to have returned without his Majesteis licence, he upon some sinistrous informations he procured his Majesteis warrand and licence for his returne, and now being returned, he never acknowledged the Lords of Privie Counsell nor produced and shawin his warrand to thame, but remainse publickly and avowedlie in the countrie, to the contempt of his Majesteis Counsell; and anent the charge givin to the said Patrik Con to have compeirred, brought and exhibite his said warrand before the Lords of Privie Counsell this present day to have beene scene and considderit be the saids Lords and to have underlyne suche order as sould be tane thereatein, under the pane of rebellion, etc., with certification, etc., lykas at mair lenth is contenat in the saids letters, executiouns and indorsatiouns thairof: Qhibiks being callit and the said Patrik Con compeirand personallie, who produced and exhibite before the saids Lords ane warrand grantit be his Majestie
to him for his remaining within this kingdom and following out of his busines for the space of a whole yeere after the dait of the said warrant, quhilk is of the 28 day of October 1631; quhilk warrant being scene and considerit be the saids Lords and they advised therewith, the Lords of Secret Counsell allows to the said Patrik Con to bruike the benefite of his said warrant for the space therein containit, he carryng himselfe modestlie without offence or scandal and forbearing the ressett of jesuits, seminaries and messe preists, wherein if he faillie, the warrant to be null.”

“The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell was presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours and trustie and weilbelovit counsellours, we greit yow weil. Whereas upon humble complaint exhibite unto us by Captain David Robertsone of the great injuries and losses he had sustauned of the Hambourgers in his goods and losse of sindrie of our subjects lyves, we wer pleased to direct our letters to that state craving redresse thairof, and after returne of their answere, having sent it unto yow and receaved your opinioun concerning it, finding that justice was ather denied or delayed, we wer pleased to grant letters of reprisall thereupon whairby some shippes and goods wer takin whiche ar now in that our kynodme. And now that state of Hamburg having sent thither commissioners to us who pretend that justice was ather denied nor protractit, bot that they ar willing still to administer justice for repairing the losse sustanenn according to the custome of natjouns in that kynde, desyryng that the letters of reprisall may be recalled and the shippes and goods restored, we have thought good to send yow heirwith the substance of that whiche they have propounded in thair papers, requiring yow to consider thairof and to informe your selifes of the particular proceedings formerlie in that busines whairupon the letters of reprisall wer grantit and to certifie us thairof with your further opinioun what may be most fitting, that we may returne suche answere to that state as may be most agridel to reasoun and justice. We bid you farewell. From our Court at Oatlands, the 14 of July, 1632. Quhilk missive being read, heard and considerit be the saids Lords and they advised therewith the saids Lords ordains ane missive to be writtin to his Majestie, showing thair proceedings in this mater and the reasons whereupon they wer moved to grant letters of reprisall to the said Captaine Robertsone.”

“The whilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell was presented to the saids Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and right weilbelovit cousines and counsellours,
and right trustie and weilbelovit counsellours, we greit yow weill. Whereas our right trustie and weilbelovit cousine and counsellour, the Erle of Tullibardin, being to repaire to that our kingdome and to those parts where these of the name of Grant resides, we for the better settling of our peace there by causing remove in a faire and quyet maner, without further danger of law or trouble to our subjects, all suche differences as ar amongst these of that name, have to that effect required him to informe himselfe of the grounds thereof and the best way how they may be composed, and therein to use his best endeavours or at least to certifie us of the estait wherein they now stand. Thairfor we have thought fitt to recommend unto yow to give unto the said Erle all suche furtherance whiche yow sall finde that he sall lawfullie and necessarilie require to that purpose; quhairof not doubting of your performance, we bid yow fare-well. From our manour of Grenewiche, the 27 of June, 1632. Qhihik missive being heard and considerit be the saids Lords, they ordaine missives to be writtin to the Lord Lovat, the Laird of Inneis and Baron of Kilraack to assist the said Erle to the effect conteanit in his Majesteis letter foresaid.”

“The Lords of Secreit Counsell allowes to Alaster Grant, prisoner in the tolbuith of Edinburgh, the libertie of ane free warder to the effect that lawyers and ministers may have accessse to him for what may concerne his lawfull defences aganis the tyne of his tryell, and that no others be permitted to speake with him.”

“The Lords of Secreit Counsell assigns the nixt Counsell day to the Erles of Roxburgh and Bucleuch for giving in ane note under thair hands of suche lands and teinds whairof they renunce anie right they can clame be the foresaltour of the lait Erle of Bothnell.”

“The whilk day M’ William Struther, one of the ministers of Edinburgh, compeirand personallie before the Lords of Privie Counsell exhibite before thame twa letters from the ministers of the Over and Neather Palatinat bearing the receipt of ane thousand pundes sterline, quhilk wes collected here and putt over by exchange to thame be Maister Cellendrine in England, and quhilk wes distribute amongst the saids ministers according to thair severall conditiones and necessiteis; quhilk letters wer givin up to the said M’ William to be registrat him in the synodall and presbyteriall bookes.”

“The whilk day James Dunbar of Boigis wes thought fitt be the Lords of Privie Counsell to be shireff of Murrey for the ensweing yeere, and ane commiission ordainet to be past to him for that effect.”

“Forsameekle as the Lords of Secreit Counsell, having by warrand and direction from the King’s Majestie appointed ane voluntar contributution and collection to be made throughout the severall prestbyteris of this kingdome for reliefe of the distrest ministers of the Palatinat, and the moneyes contributed and collected for this earand being appointed to be delievered to the moderator of each prestbyterie, who wer ordained
sons appointed to bring or to caus send in the same to William Gray and George Suttie, merchants, burgesses of Edinburgh, as persons thought fittest be the saids Lords to caus deliverie to be made of the same be exchange to the saids distrest ministers; and the saids Lords being informed that the subjects hes verie frelie and frankelie extendit their benevolence in this so important and necessar caus and put the same in the hands of the moderators of the presbyterie; and the saids Lords looking that thir moderators could have made ane faithfull and tymous returne of the moneys contributed and delivered unto thame, nevertheless a great manie of the saids moderators hes made no returne at all of anie part of the saids moneys delivered unto thame but still keepes and detaines the same in their hands, disappointing thereby the saids distrest ministers of the comfort and releefe qhillk they expected frome this kynsdome, to the great disgrace of the same; thairfor ordains letters to be direct charging the hault moderators of the presbyterie within this kynsdome to use thair best endeavours and diligence for collecting and ingaddering the moneys contributed within thair presbyterie and to bring or caus the same be send in and delivered to the saids William Gray and George Suttie within fyftene dayes after the charge, under the pane of rebellion; and if they failie to denunce, etc., and to escheat, etc."

"The whilk day the Lords of Secret Counsell according to ane warrand and directioun in writ signed be the Kings Majestie and this day exhibite before thame, ordains and commands the provest and bailleis of Edinburgh to continew the execution of the sentence of death, if anie sall be givin aganis Alaster Grant at the dyet appointed for his treyll, till his Majestie further pleasure be knowne concerning him; for doing whairof the extract of this act sall be to the saids provest and bailleis ane sufficient warrand and discharge. Followes his Majestie missive for warrand of the act abonewrittin:--

CHARLES R., Right trustie and weilbelovit cousine and counsellour,
Whereas the first of August ensewing is appointed by our former warrand in our letters to our Counsell there for the treyll of Alaster Grant, these ar to require yow to continew the execution of the sentence, if anie sall be givin aganis him, till our further pleasure sall be made knowne, and that yow signifie this our pleasure to the Lords of our Counsell or whome it may concerne for this effect after the treyll but not before; and for your doing these presents sall be your sufficient warrand. Frome our Court at Denmarke Hous, the 29 of June, 1632."

"The Lords of Secret Counsell allowes and ordains his Majestie Deutie Thessaurar to furnishe moneys to the Admirall towards the outred of some shippes of warre for persewing of pyrats within the firth of Forth."

"The whilk day Johne McCloud of Hereis compeire before the Counsell for oboedience of the act quhairby he is bound for his yeerelie compeirance."
"It may please your good lordships. We have this day receaved information from the Lord Admirall of this kingdom and others that there is a pirat verie latelie come in within St Georges Channell and now is lying neere unto the Kyles of Boote neere the Ile of Arran, having three ships quhairof the admirall carieth 20 peecie of ordinance, the viceadmirall ten peecie, and the pinneace foure small peecie, and that they lye there in a verie privat place endeavouring to vent their commoditeis in this kingdom; for whiche purpose they have sent in some of their messingers to the toune of Dumbartane and others toune thairabout to make it knowne that they are loadned with Spanish cloathes, camacks and Holland cloath, gold lace, salt and manie other riche commoditeis in great quantitie whiche they desire may be bought be the inhabitants of these toune and countrie about, weill knowing that the western toune of this kingdom bordering upoun the said St Georges Channell hath no shipping able to impede their trading or to meddle with their ships; and in regarde the said ships ar richlie loadned and have beene at sea these three yeeres committing piracie as we ar crediblie informed and perhaps may be gone before we ar able to send about shipping frome the east firth to encounter with thame, the voyage being both long and requiring manie severall winds, and also we being now presentlie about the imploying of our shippes aganis some Dunkirkers who doe ly about our said east firth committing spoyle upon his Majestie good subjects traffiquing to and frome this kingdom, we thairfoir ar heirby bold to intreate your lordships to send out suche of his Majestie shipping as ar there at Dubline togither with anie suche other shipping as may be fitt for that service, quhairin we ar of opinion they may gane a verie good pryeze and doe verie acceptable service to his Majestie and free his Majestie good subjects thame latelie conceaved fears of these shippes whiche now doe terrifie all passagers to pass betweene this kingdom of Scotland and that of Ireland; and quhen so ever the lyke caise sall heerafter happin to occurre in anie place of that kingdome of Ireland we sall ever be readie to contribute our best endeavours as becometh, etc. Halyrudhous, ultimo July, 1632.

Subscribitur, Dupline, Mar, Wintoun, Linlithgow, Wigtoun, Tullibardin, Roxburgh, Buccleuche, Annerdail, Areskine, Dumblane, Iles, Melvill, Naper, Arch. Achesoun, Scottistarvett."

"Most sacred Soverane. This day compeired before us ane commissiioner from the Diocesan Assemblie of Aberdein and exhibited unto us certaine greevances of the said Assemblie concerning the proud contempt of some obstinat excommunicat papists, who being denuned your Majestie rebels and removed out of the kingdome for that caus have procureed licences to returne for a short space, quhairin they are alledged to live more scandalouslie than before; and the said commissiioners humble desire wes that we would send up the saids greevances to your most sacred Majestie. We having heard and considderit thair petition and

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desire in this point have thought it our durtie to send up the saide greevances to your Majestie and will humblie intreate your Majestie, after consideration thereof, to returne unto us the significatioun of your royall will and pleasure thereanent; and so, etc. "Subscribitur, Dupline, Mar, Wintoun, Linlithgow, Wigtoun, Roxburgh, Tullibardin, Buchleuch, Annerdaill, Naper, Arch. Achesoun. Halyrudhous, ultimo July, 1632."

"Most sacred Soverane, We have of lait receaved a letter frome your Majestie requiring the passing a signature of protectioun under your Majesties great scale of this your ancient kingdome unto one Robert Livingstoun for two yeereas, the same having no claus astricting him to pay the annualrents of his debts during the said protectioun, but in regarde the said signature of protectioun may prove ineffectual to the partie and unfitt to be upon record and under seall for so long a tyme, others being apt to sue for the lyke heerafter, we have thairfore thought it our durtie carefullie to provyde for the said Robert Livingstouns safetie according to your Majesties gracious intentioun towards him bot in suche a faire maner as his creditours may be easillie enduced to acquiesce thairunto, they being satisfied of thair annualrents, as use is, in suche caises. For all others kyndes of protectiouns ar so farre aganis the lawes and statuts of this your Majesties ancient kingdome and so fully declared by Act of Parliament to be null and ineffectuall to the parteis as all your Majesties judges within this your said kingdome ar thairby expresselie commanded to proced and doe justice to all parteis as if suche protectiouns had never beeene granted nor produced. We humblie beseeke your Majestie in your high judgement to take this particular into your princible consideration that quhenever anie suche mater sall occur heerafter by the importunitie of suters your Majestie may be graciouslie pleased to provide for the indemnitiue of your Majesties good subjects and the reputatioun of your Majesties judges and ministers of justice, who ar muche looked to in the mater of protectiouns; and so, etc. Halyrudhous, ultimo July, 1632. "Subscribitur ut supra."

Sedernant—Wintoun; Bishop of Dumblane; Bishop of the Yles
Lord Naper; Traquair; Sir Archibald Achesoun; Scoitstarvet.

[No record of business.]
promove and further ane purpose of this kynde, so farre tending to the 
peace of the countrie, these ar thairfors to will and require your good 
lordship to concurre and assist the said Erle by your best advice and 
counsell in composing and settling the differences standing betwixt these 
of the name of Grant and to use your best endeavours for that effect. 
Quhairin not doubting of your care and diligence in this mater as yow 
respect the peace and quyetnes of the countrie, we committ your lordship 
to God. Frome Halyrudhous, the first of August, 1632. Subscribitur, 
Wintoun, Dumblane, Iles, Naper, Arch. Achesoun, Scottistorvat.”

[No record of Sederunt.]

“Forsameekle as the Lords of Secrete Counsell ar informed that upon occa-
sioun of some contravereis accidentallie fallin [out] betuix Nicoll Udward, 
burgess of Edinburg, and Mr Patrik Drummond, Conservator, where-

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manent not onelie the said Nicoll, bot also the provest, bailleis, counsell 
and community of the said burgh ar said to have conceived indignation 
againis the said Conservatour, quhairby forder inconveniences ar lyke to 
ensew to the breake of his Majesteis peace; for reemid whairfo the Lords 
of Privie Counsell ordains ane maier of Counsell to pas and charge the 
said Nicoll Udward and the provest and bailleis of the conservell of Edin-
burgh for thameselfes and as representing the bodie and community of 
the said burgh, as also the said Mr Patrik Drummond, personallie if they 
can be apprehendit, and faiyeyng thairf at the mercaet croce of Edin-
burgh, to compeir personallie before the saids Lords this present thrid 
day of August instant at three in the afternoones at his Majesteis palace of 
Halyrudhous to underly suche order as saill be tane with thame for 
keeping of his Majesteis peace and removing of all occasiouns that may 
procure the disturbance thairf, under the pane of rebellion, etc., with 
certificatcion, etc. Lykeas the saids Lords declares that the charge to be 
givin to thame be the space of ane hour before the said houre of com-
peirance [because the saids parteis ar knowne to be in the burgh] saill be 
an sufficient ground whairupon letters of horning saill be direct in caise 
of disobedience.”

Sederunt—Treasurer; Privy Seal; Wintoun; Tracquair; Sir Archi-
bald Acheson; Sir John Scott; Sir James Baillie.

Holyrood 
House, 3rd 
August 1632.

Warrant to 
William New-
port to raise 
1500 men to 
fill up the 
ranks of three 
Scottish 
regiments 
serving in the 
low Countries.
mission to Williame Newport, and to suche persoun and persouns as shall be nominat be him, to levey and take up fyve hundreth men for everie one of the three Scottish regiments serving under the saide Estate, in whatesoever parts of this kyngeome where they may be had, and of suche persons as will willinglie enter in that service, and to transport thame frome hence towards the saide United Provinces for supplinge of the wants of the saide three regiments; and for this effect to caus toweke drummes and to doe all and everie other thing whiche towards the leveying and transporting of the saide fyftene hundreth men is necessarie and requisite: Firme and stable halding and for to hald all and whatesoever things sall be lawfullie done heerin: Commanding heireby all his Majesteis shireffs, stewartes, provestes and baillieis within burgh and all others his Majesteis officeris and magistrats to burgh and land to concurrie and assist the said Williame Newport and the persouns to be nominat be him in all and every thing tending to the leveying and transporting of the number of men abonewritten, and to doe nor attempt nothing to thair hinder, as they and every ane of them will answere upon the contrair at thair perrell. Followes his Majesteis missive for warrand of the act abonewritten:—CHARLES R. Right trustie and wellbelovit counsile and counsellour, right trustie and wellbelovit cousines and counsellours, and right trustie and wellbelovit counsellours, we greit yow weill. Whereas our good freinds and allyaes, the Estats of the United Provinces, have by thair ambassador with us humbliie requested our licence for leveying of certane recrues of men for supplinge the wants of the regiments of these our two kyngeomes serving under thame, to whiche purpose, having alreadie givin order for the leveying heere of fyve hundreth men for everie ane of the four regiments of the English, and being willing that they have the like suppliie frome thence proportionable to the number of the regiments of that our kyngeome, our pleasure is that with all diligence yow grant unto suche as shall be deputed by the saide Estats as sufficient warrend with as ample commission for leveying there and transporting frome thence fyve hundreth men for everie ane of the three regiments of Scotts as heirtosome hath beene grantit, and to that effect that yow give licence to toweke drummes; the saide persons so deputed by the Estats giving alwayes suche satisfaction upon to everie ane of that number as shall be mutuallie condescended upon according to the forme accustomed. For doing whairof these presents sall be your warrend. We bid yow heartilie farewell. Frome our Court at Oatlands, the last day of Julij, 1632.”

“The qhilk day Alexander Home actit himselfe to compeir before the Counsell upon the fyft day of September under the pane of a thousand pundis.”

Sederunt—Mortoun, Treasurer; Stratherne, Preses; Privy Seal; Mairshell; Wintoun; Linlithgow; Roxburgh; Buccleuche.

Holyrood House, 16th August 1632.

Alexander Home.

Holyrood House, 5th September 1632.
Lauderdale; Bishop of Dumblane; Lord Areskine; Melville;
Naper; Traquair; Secretary; Advocate; Sir James Baillie.

"The Lords of Secret Counsell continues the dyet assigned to the Earls of Roxburgh and Buccleuch for giving in under their hands the names of suche lands and teinds whairof they renounce anie richt they can clame to the same by the forefaltour of the lait Erle of Bothuell, till the morne, the sacht of this instant."

"The whilk day the persounes particularie underwrittin, compairend personallie before the Lords of Privie Counsell, accepted upon thame the office of shireship within the shirefdomes underwrittin and gave their oaths for faithfull administratioun thairof; they ar to say, Sir George Forrester of Corstorphine accepted upon him the shireship of Edinburgh; Patrik Mauld of Panmure accepted upon him the shireship of Forfar; Sir Alexander Nisbit of that Ilke accepted upon him the shireship of Berwick; Thomas Dalayell of Manerstoun accepted upon him the shireship of Linlithgow; James Carnichael of that Ilke accepted upon him the shireship of Lanark; Sir John Murrey of Philiphauchie accepted upon him the shireship of Selkirk; Robert Crichtoun of Ryhill accepted upon him the shireship of Dumfreys; Edward Johnstoun of Newbie accepted upon him the stewartrie of Anner[dalf]; and James Chalmers of Gatgirth accepted upon him the shireship of Air."

"Forsameekle as the commission of shireship grantit to Alexander Dunbar of Grange within the bounds of Elgin and Forres is now expired upon the first day of August last, and the Lords of Secret Counsell understanding the good and worthie disposition of James Dunbar of Boigis towards the forderance and advancement of his Majesteis service and that he will behave himselfe with that respect quhilk is answerable to ane shireff within the bounds foresaidis, thairfor the saids Lords hes made and constitute, be the tennoir heirof makes and constitute the said James Dunbar of Boigis shireff principall of the shirefdome of Elgin and Forres, and givis and grants unto him the office thairof with all fees, dewteis, escheits, unlawes and forefeyts belonging thereto siclyke and with als great freedome and auctoritie as anie his predicessours in the said office hes or might have lawfullie done at anie tyme heitfofe; shireff courts within the burrowes of Elgin and Forres and others accustomed places and seates within the said shirefdome to sett, begin, affixe, afirmre, hold and continew; sutes to make be callit, absentes to amechait, unlawes, amechiantes and escheits of the saids courts to aske, lift and raise; for the same, if neid beis, to poind and distreinzie, and to proceed and minister justice in all and sindrie actionis and causes criminal and civill proper and competent to the said shireff, and to give decreits and sentences theairupoun, and to cause the same decreits and sentences receive executioun accordinglie; breves of our soverane lords Chancellarie of whatsomever nature direct and to be direct
to the said shireff to receave opin and caus be proclaimed and accordinglie to be put to executioun; assyees and witnesses als oft as neid beis, ilke warne, choose and cause be sworne; deputus under him in the said office with officiers, serjants, dempsters and all others officiers and members of court neidfull to make, create, substitute and ordane, for whom he sall be haldin to answer; with power alsua to the said shireff to ake, crave, receave, intromett with and uplift his Majestis blenshe dewteis, castell wairds and others entreisses of free tennents within the bounds of the said shirefdome, and, if neid beis, to poynd and distreinzie thatfor, and to make compt thairof in the Exchecker; and to receave the mustours and weponsawings of the inhabittants within the said shirefdome at suche tymes as sall be appointed thereto be his Majestis lawes and proclama-
tions, and to unlaw and punish the absents accordinglie, and to raise and convene the inhabittants within the said shirefdome at all tymes and occasiouns neidful for the forderance and advancement of his Majestis service and persute of his Majestis tratours, rebellis and disobedient persouns; and generallie all and sindrie others things to doe, exercice and use quhilkis ar proper and competent to the office of a shireff and quhilkis of law and consuetude of this realme ar knowne to appertane: Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin. And ordains letters to be direct charging officiers of armes to pas and make publicatioun heirof at the mercat croces of Elgine and Forres and others places neidfull, whairthow nane pretend ignorance of the same, and to command and charge all and sindrie his Majestis lieges and subjects to reverence, acknowledge and obey, ryse, concurre, fortifie and assist the said shireff and his deputus in all things tending to the executioun of this commissioun, and to doe nor attempt nothing to thair prejudice nor hinder, as they and ilke ane of thame will answer to his Majestis Counsell upon the contrarie at thair highest charge and perrell. This commission for the space of ane yeere nixt after the dait heirof but revocatioun to indure.”

"Forsameekle as M'R James Cockburne, shireff depute of the shire-
dome of Hadintoun, hes exercised that office thir manie yeeres bygone both for the good of his Majestis service in that kynde and to the good lyking of all his Majestis subjects whome it did concerne, and his Majestie considerating that in regarde of his long practise in that service and sufficiencie otherwayes great prejudice would aryse therein and to his Majestis subjecte if he wer removed, thatfor his Majestie with advice of the Lords of Privie Counsell hes made and constitute, and be thir presents makes and constitutes, the said M'R James Cockburne shireff depute of the said shirefdome of Hadintoun and gives and com-
mitts to him the office thairof, with all fees, dewteis, escheats, unlawes and forefeytys belonging thairto, siclyke and with als great fredome and auctorite as the said M'R James or anie of his predecessours in the said
office hes or might have lawfullie done at anie tyme heeretofore; shireff
courts within the tolbuith of Hadintoun and others accustomed places
and seates within the said shirefdome to sett, begin, affixe, affirme" [and
so on as in the foregoing commission of sheriffship], "and generallie all
and sindrie others things to doe, exercise and use qubilks ar proper and
competent to the office of a shireff depute and whilks of law and con-
suetude of this realme ar knowne to appertane: Firme and stable
halding and to hald all and whatsomever things sall be lawfullie done
heerin. This commissioun for the space of ane yeere nixt after the dait
heirof but revocationn to indure."

"The whilk day the missive letter underwrittin signed be the Kings
Letter from
Majestie and direct to the Lords of his Majestie Privie Counsell anent
his Majesty
the electing of M' James Cockeburne to be shireff depute of the shiref-
dome of Hadintoun being presented to the said Lords and read in their
warrant for
audeince, and they acknowledging the chosse made be his Majestie of the
the above
said M' James for the office foresaid to be good, thairfor in humble
nomination.
obedience to his Majestie royall direction then they receaved and admitted
the said M' James to the office foresaid for the yeere to come and
ordains his patent to be drawn up thereupon, and at the yeerelie
election of the shireffs of the said shirefdome the said Lords, according
to his Majestie direction, ordains the said M' James to be elected and
continued in the said office. Lykeas he, being personallie present,
accepted the said office of deputie upon him for the yeere to come and gave
his oath for faithfull administration thairof. Followes his Majestie
missive for warrant of the act abonewrittin:—CHARLES R. Right
trustie and right weibelovit cousinie and counseller, we greit yow weill.
Being informed that one M' James Cockeburne, shireff depute of East
Lothiane, hath exercised that office these manie yeeris bypass both for
the good of our service in that kynde and to the good lyking of suche of
our subjects whom it did concerne, and that in regarde of his long
practise therein and sufficiencie otherways great prejudice would arise
to our service and to our subjects if he wer removed, our pleasure is that
at the yeerelie election of the shireffs there yow give order that he be
elected and continued in that charge; whiche recommending to your
care we bid yow heartilie farewell. Frome our Court at oatlands, the
last day of July, 1632."

"The Lords of Secret Counsell considerring the necesser absence of
Commission for
Alexander Forbes of Piteligo who is now nominat to be shireff principall
of the shirefdome of Aberdein, and of Sir James Campbell of Lawers,
who are nominat to be shireff principall of the shirefdome of Perth,
unable to
and of Walter McAwlay of Ardincare, who is now nominat to be shireff
take the said
the Council to
the oathes.

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be the tenour heirof gives and grants full power, warand and commissioun to George, Vicount of Dupline, Lord High Chancellor of this kynge, to take the said Sir James Campbellis oath; and to Patrik, Bishop of Aberdein, to take the said Laird of Pitalgoes oath; and to Archibald, Lord of Lorne, to take the said Laird of Ardincaples oath, for faithfull discharge of the office of shireship foresaid; and to make ane formall report thairof in writt to the saids Lords, to the effect the same may be insert and registrat in the booke of Privie Counsell; quhereanent the extract of this act sall be to the said Lord Chancellor, Bishop of Aberdein and Lord of Lorne are sufficient warrand."

"Forsameekle as the Lords of Privie Counsell have made choise of Sir Williame Cuninghame of Caprintoun to be baillie principall of the baillerie of Kylestewart and regaltie of Newtown, and of Thomas Fraser of Streacchin to be shireff principall of the shiredome of Innermes, and of James Dumbar of Boigis to be shireff principall of the shiredome of Elgine and Forres for the yeere to come, who in regarde of thair absence at this tyme cannot compeir before the saids Lords to give thair oath for faithfull discharge of that office, thairfor the saids Lords hes givin and grantit and be the tenour heirof gives and grants full power and commissioun to James, Arch bishop of Glasgow, to take the said Laird of Caprintouns oat; and to Patrik, Bishop of Roosse, to take the said Thomas [Fraser of] Streacchin and James Dumbar thair oaths for faithfull discharge of the saids offices of baillerie and shireship within the bounds foresaid, and to make ane formall report thairof in writt to the saids Lords, to the effect the same may be insert and registrat in the booke of Privie Counsell, quhereanent thir presents sall be to the saids Archbishop and Bishop ane warrand."

"Forsameekle as the provest and bailleis of Dundie, having latelie takin in thair toun and committed to warid in thair tolbuith one Clais Miller alledged ane pyrat, and having since exhibitbe him before the Lords of Privie Counsell to abide his tryell and punishment; and the Lords of Privie Counsell, having advised what is fittest to be done with him, they have ordaine and ordained him to be deliverin to the Lord Admirall to be examin in and tryed be him to the intent the saids Lords upon report and consideration of the qualitie of the offence may give order for his punishment as accords. And the saids Lords finds and declares that the provest and bailleis of Dundie hes done good service to his Majestie and the Estait in the taking and exhibition of the said Clais in maner foresaid and allowes and approves thair service done thairin."

"Forsameekle as upon the sevintene day of July last Francis Steuart, one of the lait Erle of Bothuell, compeirand personalie before the Lords of Privie Counsell, declared that he was content to referre to the oath of veritie of Robert, Erle of Roxburgh, the tacks dewteis and gressomes receaved by the said Erle for the teinds of the kirks of the Abbacie of Kelso..."
whairof he is not in possessioun by intromission with the teinds of the saieds kirks and what tacks or other rights of the saieds teinds the said Erle hes grantit since the tyne of the foresfaltour of the last Erle of Bothuell; as also what the teinds of the saieds kirkis payed of old to the Abbote of Kelsa and lait Erle of Bothuell, sua far as the said Erle knowes himselfe or can learne frome others. And siclyk the said Francis declared that the dewteis payable to the said Erle of Roxburgh furth of the kirklands of the said abbacie for what the said Erle possesses in the right of the foresfaltour togidder with the gressomes receaved be the said Erle for and in satisfactioun of the right made be him of the saids lands sould in lyke manner be cleered and provin be the oath of veritie of the said Erle. And the said Erle compeirand this day before the saied Lords he gave in ane rentall of the kirks of the abbacie of Kelso whairof he is not in possessioun by intromission with the teinds thairof, as also the rentall of suche others kirks as ar now fallin into the said Erles hands and whairwith he was not chargit of before, togidder with the backbands of the haill kirks within the same abbacie; as alse the few dewteis of the temporall lands of the said Abbacie not givin in be the said Erle in the former rentalls. Upon the quhilk rentsall and anent the truthe thairof the said Erle being sworne in presence of the said Francis he declared upon oath that according to his knowledge and the informacion he hes had frome others the rentalls foresaids wer just and trew; and thairupon subscryved the same. With the whilk declaration sune made be the said Erle the said Francis Steuart being personallie present acquiesced and wes content. In respect whairof the saied Lords hes susteanned the saied rentsall and ordains the same to be receaved and stand in force aganis the said Francis, and to be exclusive of all after tryell and probatioun for the particular lands and teinds thairin conteanit.”

Sederunt ut die superiore unacum Seafort.

“The whilk day Mr Williame Struthers, ane of the ministers of Edin-
burgh, compeirand personallie before the Lords of Privie Counsell,
produced before the saids Lords twa catalogues, the one whairof contean
the distributioun of sax hundreth and fiftie pundis sterline amongs certainty
of the distrest ministers of the Palatinat, whilk wes made upon the 4th
day of Julij last; the other catalogue conteanis the distributioun of ane
hundreth and fiftie pundis sterline amongs certainty of the saids ministers.
Lykewise also he produced ane acquittance and discharge made be ane
number of the saids ministers to Monsieur Callandrine of the recepit of
the saided summe of sax hundreth and fiftie pundis sterline under the saids
ministers thair hands of the dait at Noremberg the 29 day of Junij last
Quhils summes of money wer collected heere and sent over by exchange
be the said Monsieur Callandrine for releefe of the saids ministers.
Qhilks twa catalogues and discharges being scene and considerit be the saids Lords, the said Lords discharges the said Monsieur Callandrine and all others whome it concernes of the said soumes of 650 ł, and ane hundreth fittie pundis sterline conteanned in the saids catalogues, and ordains the same catalogues and discharge to be delivered up to the said William Struther to be registrat be him in the synodall and presbyteriall bookes."

"The Lords continewes the out giving of the extract of the processe tuingheing the truell of the rentall of the erledome of Bothuell and Abbacie of Kelso till the same processe be first advised and report thairof made to his Majestie."

"The whilk day William, Erle of Stratherne, President of his Majestis Counsell, exhibite to the Lords of Privie Counsell the missive letter underwrittin signed be the Kings Majestie and directed to the saids Lords tuingheing the course to be takin with the Lord Uchiltrie, as his Majestie hes imparted his royall pleasure thereanent to the said Erle of Stratherne. Qhilk being read and considerit be the saids Lords, they have ordained and ordains the same to be insert and registrat in the bookes of Privie Counsell, of the qhilk the tennour follows:—Charles R. Right truisse and weibbevot cousine and counsellour, right truisse and weibbevot cousines and counsellours and right truisse and weibbevot counsellours, we greit yow weil. Having at this tyme amongst some other things concerning our service in that our kynempde imparted our mynde at lenth tuingheing the Lord Uchiltrie unto our right truisse and weibbevot cousine and counsellour, the Erle of Stratherne, we have to that purpose givin directiouin to him to signifie our pleasure unto yow, willing that suche ane course be takin with the said Lord Uchiltrie as the said Erle sall acquaint yow frome us. For doing thairof these presents sall be your warrant. Frome our Court at Oatlands, the last day of July, 1632."

"The Lords of Secret Counsell upon good considerations moving thame ordains and commands his Majestis Justice, Justice Clerk and their deputis, to continew the dyet appointit for the truell of the Lord Uchiltrie upon suche things as he is accused before thame till the nynt day of November nixtocome, quhereanent the extract of this act sall be to thame warrand."

"Forsamekle as the Signets of his Majestis Privie Counsell and Sessiouin ar now be long use so worse and the impressiou become so smooth and bare as hardlie can it be knowne, thairfor the Lords of Secret Counsell ordains and commands Charles Dickson, sinker of his Majestis yrne, to make and grave twa new signets, one for the Privie Counsell and one for the Sessiouin, conforme to the twa old signets, and to deliever the saids twa signets to the present keepers of the same, and to breake and destroy the twa old signets in presence of the Maister of
his Majestie Cunziehous so as no forder use be made of thame; quhere-
anten the extract of this act sall be to the said Charles ane warrand."

"The whilk day in presence of the Lords of Secret Counsell comperied
Discharge of
personallie M’ Johne Home of Carrelside and renunced and discharged,
lawburrows by
lykewise be the tennour of this present act he discharge and renuncies, the
Mr. John
letters of lawborrowses raised and execute at his instance agains James
Home to
Naismith of Coldingknowes and Arthure Naismith in Quytryrig for finding
James
of law souertie to him, and the cautiouen found be thame conforme to the
Naismith and
saded charge, so that the saids letters and charge and cautiouen found
others.
conforme thereto sall have na streth, force, effect nor executioun aganis
the saids James and Arthure Naismith nor their cautiouners in favours
at or the instance of the said M’ Johne Home his tennents nor servants
at no tyme heerafter."

"The quhilk day M’ Williame Struthers produced three catalogues
bearing the distribution of ane thousand ponds sterline amongst the
of the contribution to the
distrest ministers of the Palatinat." [and so on as in the act ante p. 537].
Palatinate
ministers.

"The Lords nominates and appoints the Bishop of Dumblane and the
Mr. William
Lord Naper to call befor thame M’ William Oliphant and his creditouris
Lord
and to deale and travell betuix thame for sattling thair differences and
Oliphant and
procuring thair consent to his libertie.
his creditors.

"The Lords, having seen and considderit the insufficiencie of the signet Order for the
kept be M’ James Gordoun and how that the same is worsen and unfit for
making of two
signetting of letters, ordaunes Charles Dickesoun to make, grave and
new signets.
sinke a new signet, and, the same being made, that the old be brokin be
the Maister of his Majestie Cunziehous."

"The quhilk day the tache grantit be the Ladie Abiryeldie of her
The Lady
conjunct fee lands being produced before the Lords and considderit be
Aberfeldie.
thame they ordained the same to be cancelled be thame; quhilk was
accordinglie done in presence of the Counsell."

Sederunt—Treasurer; Præses; Mairshell; Wintoun; Linlithgow; Holyrood
Roxburgh; Buccleuche; Areakine; Bishop of Dumblane; Lord
Naper; Traquair; Secretary; Advocate; Sir James Baillie.

"The whilk day the Erles of Roxburgh and Buccleuch, compeirand,
Declaration by
personallie before the Lords of Privie Counsell, consented judicallie to
the Earl of
the registracion of the underwrittin declaration in the bookes of
Roxburgh and
Secret Counsell, of the whilk the tennour followes:—Declaration made
Buccleuch by
be the Erles of Roxburgh and Buccleuch for sastisfie the desire of his
which they
Majestie letter direct to the Lords of his Hienes Privie Counsell the 28
agreed to
day of May, 1632, and of ane act of Secret Counsell made thairpoun in
the forfeiture of
the fyft day of July, 1632 yeeres. The noblemen considering his
the late Earl
Majestie pleasure and the Lords of Secret Counsell their act of interlo-
of Bothwell.
quoutour thairpoun, quhairby his Majestie desires and the Lords of
Counsell finds that for suche lands and teinds as the noblemen possesses
of the erldome of Bothuell and Abbacie of Kelso by ane good right
preceeding the lait Erle of Bothuell's foresfaltour and Francis Steuart
inabilitie, they sall ather quyte the benefite of the said foresfaltour to his
Majeste pro tanto of that whilk is in contraversie, taking thame to their
uthers rights, or otherwayes that the same be valued and come under his
Majesteis consideratioun with the rest, as the said missive letter and act
beiris; and being most willing to satisfie his Majesteis royall desire and
the Lords of Privie Counsell their act thairpoun, be thir presents
declares that for the lands and teinds after following they are content
to quyte and be thir presents quytes the benefite of the foresfaltour of the
said umquhile lait Erle of Bothuell and of the act of the said Francis his
inabilitie to his Majestie in so farre as the said foresfaltour and inabilitie
may be extendit to the saids lands and teinds after specifit allanerie,
and binds and obleisses thame and thair airis to denude thameselfes
omni habili modo thairof in favours of his Hienes and his successours
whencesover they or thair foresaids sall be required be his Majestie and
his foresaids to that effect, and the saids noblemen takes thame to thair
uthers rights whilks they have beside the right of the foresfaltour and
inabilitie, quhilks others rights wer aither in thair awne persons or in
the persoun of thair predecessors or authors before the foresfaltour and
inabilitie foresaid, or since the foresfaltour founded upon anie other ground
by and beside the foresfaltour and inabilitie; with this contidioun, qualitie
and provision and no otherwayes that they quite no wayes be thir
presents the saids lands nor teinds nor possessioun thairof so far as they
have right thereto aliunde nor the said foresfaltour and inabilitie, nor
that this declaratioun sall import to thame no prejudice nor sall be
nawayes prejudiciall nor hurtfull to thair uthers rights whatsomever
quhilks they have to the saids lands and teinds, and that notwith-
standing of thir presents it sall be lawfull to the saids noblemen and
thair airis peaceablie to possess the saids lands and teinds be vertew of
thair saids uthers rights so long as the same stands good and valiable be
law and ar not evicted therein, quhilks sall na wayes be prejudged
heirby, as said is. Thir ar the names of the lands and teinds whereanent
this declaratioun is made, viz \(^1\)—for the said Erle of Roxburgh—the lands
of Halydene, Huntliewood and Clarilaw with thair pertinents; the lands
of Neather Ancrume with the mylne thairof and thair pertinents; the
lands of Hassindenbanke with thair pertinente, and the patronage of the
kirk of Lilliasie, with thair teinds of the same and thair pertinente, all
lying within the shirefdome of Roxburgh. And for the said Erle of
Bucecleuch the haill kirklands belonging to the Abbacie of Jedburgh
lying within the lordship of Liddisdaill, viz \(^1\) the lands of Dastounburne,
Cleifhops, Over and Neather Syngdene, Huddishous, Orniscleuch, Quheilrig,
Peill, Myredykes, Belsches, Porterlampet, Abbotshawes, with
all and sindrie thair pertinents; and thair teinds, personage and vicarage
of the parish kirkis of Ediltoun and Cassiltoun, the lands of Deidwater;
and siclyke the lands of Mangertoun and pertinentis thairof; the lands and baronie of Woltoun with thair pendicles and pertinentis, and the patronage of the kirk of Woltoun with the teinds thairof and pendicles of the said kirk callit the kirk of Borthuick and teinds of the same; the teinds personage and vicarage of the kirk of Hawick; all lying within the said shiref dome of Roxburgh. And for the mair securitie both the saids noblemen ar content and consents thir presents be registrat in the bookes of Secret Counsell to remaine therein ad futuram rei memoriam. In witnes whairof they have subscrivyed thir presents with thair hands at Halyrudhous the sevint day of September the yeere of God jn'yvj threttie twa yeeres, before thir witnesses, James and Mr Gilbert Prymroises, clerkes of his Majesteis Privie Counsell. Sic subscribitur. ROXBURGH, BUCELUCHE, J. Prymois, witnes; M. G. Prymerose, witnes."

"The Lords of Secret Counsell remitts to Johne, Lord Steuart of Traquair, and thairwithall allows him to give warrand for releasing frae the waird of Marke, George and William Homes, present warders within the tolbuith of Edinburgh, for the insolence committed be thame againis James Naismith of Coldingknowes and Arthure Naismith, according as the said Lord sall find thair behaviour to deserve and upon suche conditions as he sall thinke meit, for doing whairof thir presents sall be to him a warrand."

"The Lords of Secret Counsell remitts to Alexander, Erle of Linlithgow, Lord High Admirall of this kingdome, the punishment of Clais Miller, alledgit pyrat, according to the merite of his fault."

"The Lords ordains the bailleis of the Cannogait to deliyver William Home of Morestoun and to the bailleis of Edinburgh to be committed to waird qhill they be relieveed be the Counsell."

"The qhillik day the commissioun for the fishing being produced was read and allowed in Counsell and ordained to be exped the great seale which is to be appended in the first place, and to be sent to England to the effect the great seale thairof may be appended in the second place; and ordains his Majesteis Chancellor to append the great seale to the English commissioun in the second place."

"Letters from his Majestie for proclamatioun of the reserved places for fishing togidder with instricitions concerning the fishing bussines, qhairof copeis wer ordained to be sent to some of the gentrie and burrowes to be advised with."

"Sir John Hamiltoun of Barganie to be writtin for anent the fishing of Ballantrae."

"The nixt Counsell day appointed to be upon the 17 of October nixt, Next meeting of Council. and the Counsellers present warned apud acta, to witt, the Thesaurar, President, Mairsthall, Wintoun, Linlithgow, Roxburgh, Buccleuche, Areskine, Bishop of Dumblane, Naper, Traquair, Sir Archibald Achesoun, Advocat, Sir James Baillie; and the remaunt of the Counsell ordained to be writtin for."
“After our verie heartilie commendatiouns. Whereas among manie directiouns come doun from his Majestie anent the societie and corporatioun for the commoun fishing there is one lykewayes anent the fishing of Ballintrae quhairin, because it was conceaved that yow had some interesse, it was thought melt that yow sould be heard therein; and thairfor these ar to requiest and desire yow that yow faile not, all excuses sette aside, to make your addresse heere in dew tyme agaunce the 17 day of October nixtoome, quhilk is the peremptour dyet appointed for handling of that bussines of the fishing, and that yow come prepared to propone and alledge all that yow can anent that fishing of Ballintrae to the intent that order accordinglie may be tane thereenant; and so looking for your precise keeping of this dyet as yow respect his Majestie's service and your awne interesse, we committ yow to God. Frome Halyrudhous, the 7th of September, 1632. Subscribitur, Stratherne, Mairshell, Arch. Achesoun, S' Thomas Hope.”

“After our verie heartilie commendatiouns to your good lordship. Whereas his Majestie hes sent doun the chartours for the fishing with some instructiouns concerning the same whiche he hes seriouslie recommendit to the consideratioun of the Counsell, desiring to be certified of their opinioni tuicheing the same with all convenient diligence, for whiche purpose and to the effect that these maters may be advisedlie handled there is a meeting of the Counsell appointed to be kepeped heere upon the 17th of October nixt; and thairfor these ar to requiest and desire your good lordship that yow faile not (all excuses sette aside) to kepe the said dyet preceislie, to the intent your lordship may concurre with the rest by your best advice for the right ordering of this bussines whiche his Majestie so earnestlie affects for the good of his dominious; quhairof resting assured we committ yow to God. Frome Halyrudhous, the 7th day of September, 1632. Subscribitur, Mortoun, Stratherne, Mairshell, Arch. Achesoun, S' Thomas Hop.”

“After our verie heartilie commendatiouns. Whereas at the last Conventioun of the Estaits in the moneth of July, 1630, yow wes nominat to be one anent the treatie of the fishing, and whereas now there is some instructiouns come doun from his Majestie concerning that bussines quhilk requires the presence and hearing not onlie of his Majestie's Counsell but of all these who wer nominat be the commission to treate therein, there is therefore a meeting appointed to be keeped heere at Halyrudhous upon the 17 of October nixt, at quhilk tyme your presence being requisite and necessar, these ar thairfor to requiest yow that yow faile not [all excuses sette aside] to kepe the same preciseilie. We have heirwith sent to yow a copie of the instructiouns sent doun from his Majestie concerning that bussines to the intent yow may be resolved of his Majestie directionis therein. And suy looking for your precise keeping of this dyet, we commit yow to God. Frome Halyrudhous, the sevint day of September, 1632. Subscribitur ut supra.
Forsamekle as there is some appearance of trouble lyke to fall out betuix Robert Ker of Ridpath and Patrik Hepburne, sonne to Sir Patrik Hepburne of Barefute, on the ane part, and John Crichtoun, servitor to James Maxwell of Innerweik, on the other part, quhilk will not faile to produce forder inconveniences to the brake of his Majestis peace without remeid be provydit; thairfoir ordains letters to be direct charging both the saids parteis to compeir before the saids Lords upon the sevintene day of October nixt to underly suche course and order as sall be tane with thame tuiching the observing of his Majestis peace and keeping of good rule and quyetnes in the countrie, under the pane of rebellioun, etc., with certificatioun, etc.; and in the meane tymne that they observe our soverane Lords peace and that they trouble not nor molest one another for quhatsomever deid, caus or occasioun otherways nor be order of law and justis; and that they direct nor accept no challenges one frome another; everie one of thame under the pane of twa thoswand merkes; with certificatioun to thame that falsyies in anie point of the premises that they sall be decern to have incurr to and incurre the said pane of twa thoswand merkes, and letters and executoriallas sall be direct aganis thame for payment thairof to his Majestis Thesaurar, Deputie Thesaurar and Receavers of his Majestis Rente in his Majestis name and to his Majestis use in forme as effairis.

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Sederunt—Chancellor; Treasurer; Preses; Lorne; Tracquier; Perth, 21st September 1632.
presomne nor take upon hand to meddle nor intromett with the cornes growing upon the saids lands for this present crop, 1632, but that they suffer and permitt the said Lord Tracquair and his servants and others in his name peaceable to leade, meddle and intromett with the saids cornes, and to sequestrat and stacke the same in maner foresaid, as they will answere upon the contrarie at their highest charge and perrell."

Holyrood House, 16th October 1632.

Stratherne; Tullibardine; Roxburgh; Annerdaill; Melvill; Tracquair; Secretary; Advocate.

"Forsameekle as the tratour, James Grant, after manie treasonable and barbarous insolenceis committed be him upon diverse of his Majesteis good subjects to the offence of God, contempt of the law, disgrace of his Majesteis governement and hurt of his Majesteis said subjects, he was at last in the verie course of his treasonable actionis apprehended and exhibite before his Majesteis Counsell and committed to waerd within the Castell of Edinburgh, where having remained a long tyme bygone and being conscious to himselfe of his undeuyable guiltines of manie high and desperat treasons and fearing the event of his tryell he hes now at last, to crowne all his former misdemeanours, latelie upon the fiftene day of October instant under silence of night brokin waerd and escaped furth of the said castell, and be all appearance he is to make his addresse towards the north or some others parts of the Hielands, and there following the course of his former wicked and treasonable lyfe to doe what in him lyes to stirre up some new disorders and trouble to the disquetying of the countrie. And to the intent that he may be the better knowne and that his Majesteis good subjects may thereby be the better forewarned to foresee their awne danger if in anie caise they sall happin to resset or supplie him or be remisse and negligent in the perseute and apprehension of him, thairfor the Lords of Secret Counsell hes heirby thought meit to descryve and sett out the portraiture of his bodie as followes, to witt—a man of little stature, bald headed, braid faced, faire culloured, broun bairded, weake eyed, bow hoghed, fatt bellied and about fiftie yeeres of age: And ordains letters to be direct to make publication heirof be opn proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull, and to command, charge and inhibit all and sindrie his Majesteis lieges and subjects that nane of thame presomne nor take upon hand to ressett, supplie nor intercommoun with the said James nor furnish him meate, drinke, hous, harberie nor no other thing confortable to him, nor to hyde and conceale him, but that they and everie ane of thame make diligent inquirrie and searche for him and to seeke, follow and persw him be sea and land, with fire and sword, if he sall happin to be in their bounds, and to take and apprehend him, if they be of power; and fallyeying thairof to shoutt him and to raise the fray, and never to leave aff the
persue of him till he be apprehended and exhibite before his Majesteis Counsell. For the whilk purpose the saids Lords dispenses with all and whatsoever fire raising, slaughter and other inconveniences that shall happen to fall out in the persue of the said James: And siclyke to command, charge and inhibit all and sundrie maisters and owners of shippes and others vessells and all boatmen and ferriers that name of thame pressoome nor take upon hand to receave the said James in thair shippes, boats or vessellis, nor to transport him furth of this kingdome, nor yitt to carie him over ferreis nor frome ferrie to ferrie, under whatsoever cullour or pretext, under the pane of treason to be inflicted upon whatsoever person or persons who shall be remisse or negligent in executioun of anie point of this present proclamation: And siclyke to signifie and declare to all his Majesteis lieges and subjects that who ever will take and apprehend the said James and bring and exhibite him alyve to his Majesteis Counsell, or if he shall happen to be slaine in the taking, that will exhibite his head, that not onlie shall everie suche person or persons have his Majesteis gratious favour and pardoun grantit to thame for thair bygane ressett, supplie and assistance of the said James and ofiencees committed be thame, not being treasonable, but with that they shall have the soume of fyve thousand pundis delivere to thame in present and readie payment."

"After our verie heartilie commendations to your good lordship, Whereas the tratour James Grant hes latelie, upon the 15 of this instant, under silence of night brokin waird and escaped furth of the Castell of Edinburgh and hes thairby for a tyme prevented his just deserved punishment, and it being verie likelie that he shall make his addresse to some parts within your lordships bounds or under your lordships commandement where he will doe what in him lyes to stirre up some new disorders and troubles, to the disturbance of his Majesteis peace, we have thairfoir thought meit to give notice heirof unto your lordship and earnestlie to request your lordship to have a speciall care that the said James have no ressett, maintenance nor connivence within your lordships bounds nor within anie other part under your lordships commandement, but that your lordship caus diligent inquirie and searche to be made for him and that yow extend your best endeavours for apprehensioun of him and exhibition of him to his tryell; quhairin as your lordship will doe unto his Majestie good and acceptable service so his Majestie will not be unmyndfull thairof on all interveening occasiouns concerning yow. And so committing your good lordship to the protection of God, we rest, etc. Halyrudhous, the 16 of October, 1632. Subscribers, Chan*, Mortoun, Stratherne, Roxburgh, Annerdaill, Melville, Traquair, Arch. Achesoun, Sir Thomas Hop."

"It may please your good lordship. This 15th of October a notorious Holyrood rebell, callit James Grant, hes made ane escape out of the Castell of Edinburgh by night tyme and is supposed to have made his way to Letter to the
Portpatrick of intendment to get over into your bounds where he had
wound formerly to resort; we have published ane proclamatioun again.
his harboreers and releaers proposing ane large reward for his apprehension and we have thought it our dewtie to send yow a copie of the said proclamatioun with our heartlie intreatie to carefully advert unto his repairing into that kingdome that his Majesties officers about yow may by yow bestirre thameselfes for his apprehensioun with confidence of payment of the said rewardes besides his Majesties thankes, whiche no doubt will be graciously vouchesafed upon the apprehenders as the instruments employed by your lordship as one whom his Majestie muche trusteth in that kingdome, and whois services undoubtedlie will receive their owne dew respects frome your lordships gracious maister and ours. And so recommending this particular to your lordships care and heartie circumspection, we take our leave, etc. Halyrudhous, 16 Octobris. Subscribtur ut supra."

"It may please your good lordships. This 15th of October a notorious rebel, callit James Grant, hath made an escape out of his Majestis Castell of Edinburgh and is supposed to have made his way into that kingdome of Ireland, where he hes some freinds in the north about the county of Antrim; we have thought it our dewtie to acquaint your lordships with the bussines as a mater highlie concerning his Majestis service that howie and cry may be raised after him within that kingdome for his apprehensioun, a large reward being proposed by proclamatioun, quhairof we doe heerewith send your lordships a copie for the parteis encouragement in the said service. We doe heartlie pray your lordships to give suche order as the several shireffes and justices of peace in the several shires of that kingdome may carefullie give direction to all the head constables of shires and pittie constables of burrowes and parishes to take exact examinatioun of all suche strangers as shall happen to resort within their several limits and to apprehend anie suche stranger as hes the several markes designed as markes of the said James Grant and conteanned in the said proclamatioun. So reposing muche trust and confidence in your lordships sedulous care in this bussines and being confident that his sacred Majestie will take speciall notice of your endeavours heerin, we take leave, etc. Halyrudhous, 16 Octobris."

Sederunt—Chancellor; Treasurer; S Andrewes; Stratherne; Mairshell; Wintoun; Wigtoun; Tullibardin; Roxburgh; Galloy; Seaft; Annerdaill; Lauderdale; Bishop of Dumblain, Bishop of the Yles; Lord Melvill, Tracquair; Master of Elphinstoun; Secretary; Advocate; Sir James Baillie.

"The whilk day the noblemen and commissioners for the barons and burrowes who wer writtin for to this dyet anent the mater of the fishing being callit, there compeird a number of the noblemen set down in the
sederunt foresaid, and for the barons there compeiried onelie Sir James McGill of Cranstoun Riddill; and for the burrowes there compeiried onelie Alexander Clerk, provost of Edinburgh, James Watsoun in Sth Andrewes, Gabriel Cuninghame in Glasgow, John Mckesone in Craill and Alexander in Anstruther. And there being ane particular meeting of the burrowes heere anent their awne affaires, they all compeiried with the commissioners who wer writtin for to this dyet.

"The occasioun of this meiting being at lenth propouned and shawn first be the Lord Chancellor and than be the Lords Thesaurar and President and with what tender and princielie regarde his Majestie affected the weale of this his ancient kingdome and how that for this effect his Majestie assisted with his royall presence at a number of the meitings quhilks wer had for the treatie anent the fishing, and how that at all these meitings his Majestie ever exprest his royall and singular care both of the honnour, credite and good of this kingdome:

"Thereafter the burrowes wer desired to condescend upon these parts and places in the Yles and continent where plantatioun for the fishing would be most usefull and necessair, conforme to the instructiouns sent doun be his Majestie quhairof copeis wer sent both to the burrowes and gentrie. They shunned the geving of ane direct anserwe to this propositioun, alledging that they could not resolve therein till first they understood what noblemen, barons, gentlemen and burrowes would joyne with thame in the mater of the fishing Quhairupoun the burrowes wer ordained to consider of the instructiouns for the fishing and to report their answere concerning the same the morne in the foremoone."

"The quhilk day the missive letter underwrittin signed be the Kings Majestie and direct to the Lords of Privie Counsell was presented to the said Lords and read in their audience, of the quhilk the tennour followes:—

CHARLES R. Right trustie and weibelovit cousine and counsellour, right trustie and weibelovit cousines and counsellours, and right trustie and weibelovit counsellours, we greet yow weill. Whereas we ar informed that diverse priviledges and liberties haie beene grantit to our free burghs of that our ancient kingdome by diverse of our royall progenitors whiche thereafter wer confirmed unto thame by severall acts of Parliament, for which they ar subject to the payment of our taxations and diverse services tending to the publick good, whereunto no other burghes being tyed, ar discharged by speciall acts of Parliament to injoy the like priviledges; which being willing to conserve from tyme to tyme for the use of our saids free burghes in so farre as is agreeable to our saids lawes, our pleasure is that in the erectioun of all burghes of baronie heerafter there be no further libertie grantit to thame in any patent than by the lawes of that our kingdome is competent to ane burgh of baronie, and that none of thame heerafter be erected with ane priviledges whiche by the lawes and statuts of that kingdome ar onlie proper to our burghes royall. Whiche recommending to your care, we bid yow farewell.
Frome our Court at Oatlands, the last of July, 1632. Quhilk letter Acta June 1632-June 1634, insert and registrat in the bookes of Privie Counsell and Exchequer and extracts thairof to be givin to the commissioners of the signet to the intent they may convene before thame the writters to the signet and seales and intimat to thame his Majesteis royall pleasure and directioun in this mater, that none of thame presoomae heerafter to insert in anie signature of erectionion of a burgh of baronie anie farther libertie than by the lawes of this kingdome is competent to ane burgh of baronie; and that no privilidges quhilk by the lawes and statuts of this kingdome ar onelie proper to royall burrowes be insert or writtin be thame in anie patent of ane burgh of baronie; as the saids writters will anawere upon the contrarie upon the perrell of thair offices."

"The whilk day the missive letter underwrittin signed be the Kings Majestie was present to the Lords of Secreit Counsell and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and weielbelovit cousine and counsellour, right trustie and weielbelovit cousines and counsellours, and right trustie and weielbelovit counsellours, we greet yow weil. Whereas we ar credible informed that it was compleanned upon at the last Conventioune of the Estates of that our kingdome that contrarie to the lawes and customes thairof one, Robert Buchan, under culloir of preserving our waters from unseasonable fishing for pearle and increasing our yeerelie revenue, had procured ane patent whereby he appropriats the whole benefit thairof unto himselfe, wherein we respecting the ancient custome and lawes of that kingdome and preferring the generall good of the publict to our awne particular pretended interest or the ends of anie privat persoun, our pleasure is that yow call the said Buchan before yow and discharge his patent and all further prosecutioun thereby; causing publishe by proclamation that all our subjects have libertie freelie to fishe and take pearle in all rivers and waters of that our kingdome in all tyme coming; and that no other patents be exped hearupon thereafter; for whiche these presents shall be your warrand. We bid you heartilie farewell. Frome our Court at Oatlands, the last of July, 1632. Quhilk letter being heard and considderit be the saids Lords they ordain the said Robert to be charged to compere before the saids Lords to heare and see the desire of the said letter granted."

"The whilk day the said letter underwrittin signed be the Kings Majestie was presented to the Lords of Privie Counsell and read in thair audience, of the quhilk the tennour followes:—CHARLES R. Right trustie and weielbelovit cousine and counsellour, right trustie and weielbelovit cousines and counsellours, and right trustie and weielbelovit counsellours, we greet yow weil. Whereas we ar informed that it was carefullie provided by diverse acts of Parliament in the tyme of diverse our royall progenitours that the maltmen in these tymes wer restrained to ane
certain quantitie of victuall or prices in selling their malt, which they
wer not to transgresse, as by the acts may appeare; but by reasoun of
the long tymes since these statute wer made the prices of all things ar
muche changed, so that it is thought necessarie for reformation of the
present abuses committed be maltmen to the great prejudice of the
publick good that new orders and prices according to the tymes be estab-
lished and new penaltys be prescribed to be inflictid upon the
delinquents; our pleasure is that, having considirrit of the saids acts, yow
give order for the prices in tymes comming to be takin be the maltmen
betweene the boll of barley and the boll of malt, prescribing penaltys in
caise of disobedience in suche maner as yow sall thinke fitt and as may
be most agreeable to the prices of the present tymes; whereupon we will
yow to caus make ane act of Counsell till further order be takin [if yow
sall find it expedient] in our next Parliament; and in the meane tymes
that the executioun of the former acts in so farre as doeth concerneth
the saids prices sall cease in all tymes comming, without prejudice alwayes
of the bygane escapes of the saids acts when we sall be pleased to call
for thame. We bid yow heartilie farewell. Frome our Court at Oat-
lands, the last of July, 1632. Qhilk letter being heard and considirrit
be the saids Lords and they advised therewith, the saids Lords ordains
the said letter to be insert and registrat in the booke of Privie Counsell,
and conforme to his Majesteis direcction menionued in the said letter
the saids Lords ordains the executioun of the former acts in so farre as
concernes the prices foresaid sall to cease in tymes comming, without pre-
judice of the bygane escapes of the saids acts when his Majestie sall be
pleased to call for thame. And the saids Lords continewes the setting
doun of new prices whill the moneth of November next.”

“The whilke day the missive letter underwrittin signed be the Kings
Majestie was presentit to the Lords of Privie Counsell and read in thair
audience, of the qhillk the tennour followes:—CHARLES R. Right trustie
and weilbelovit cousine and counsellour, right trustie and weilbelovit
cousins and counsellours, and right trustie and weilbelovit counsellours;
we greit yow weill. We ar informed that our right trustie and weil-
belovit cousine and counsellour, the Marques of Huntlie, is charged for
presenting before yow one Finlay McGrinnan, rebell, who had secrettlie
abandouned the kynghome before, wherein though we doubt not bot that
yow have some good consideraotions moving yow to take that course,
yitt upon humble motioun made unto us in his behalfe that, seing
hardlie the said rebell can be brought backe (it being uncertaine to what
part abroad he is gone), he will oblige himselfe to exhibite him if at anie
tyme heerafter he sall happin to returne to this our kynghome; whiche,
conceaving to be reasonable, we thinke fitt (unlesse there be some
speciall reasoun to the contrarie) to accept of his offer and to that effect
that yow authorize him, if neid beis, or the Vicount of Aboyne, his sonne,
with what warrand or commissioun yow sall thinke fitt to that purpose,
taking of thame suche suretie as yow sall find expedient; and for your so doing these presents sall be your sufficient warrant. Frome out Court at Oatlands, the last day of July, 1632. Quhilk missive being heard and considdert be the saids Lords and they advised therewith they ordaine John Grant, appearand of Ballindallach, to be warned to heare the desire of the said missive grantit."

"The whilk day the missive letter underwritit signed be the Kings Majestie was presentit to the Lords of Secret Counsell and read in their audience, of the quhilk the tennour followis:—CHARLES R. Right trusitie and right weilbelovit cousine and counsellour, right trusitie and right weilbelovit cousines and counsellours, and right trusitie and weilbelovit counsellours, we greet yow weill. Whereas humble sute hath beene made unto us by Sir Patrik Hepburne of Wauchton, knight, that in respect of bussines speciallie concerning the settling of his estait and others his necessarie and lawfull affaires some suche able and sufficient persoun be made choice of by yow as yow sall thinke fit for suppleing of his charge of shireff of the constabularie of Hadintoun for this yeere, because some of his bussines have been imparted unto us quhairby we conceive his demand to be reasonable; our pleasure is that yow exoner him of that charge for this yeere by settling of some sufficient and able persoun in his place, for whiche these presents sall be your warrant. We bid yow heartilie farewell. Frome our honour of Hampton Court, 3 October, 1632. Quhilk letter being read, heard and considirrit be the saids Lords and they advised therewith, the saids Lords hes exonered and releved and be the tennour heirof exoner and releveds the said Sir Patrik Hepburne of the office foresaid; and hes made choice of Sir Patrik Murrey of Elibanke, knight, to be shireff principal of the constabularie of Hadintoun for the yeere to come."

"The quhilk day in presence of the Lords of Secret Counsell compeared personallie Sir Patrik Murrey of Elibanke, knight, and accepted upon him the office of shireffship for the constabularie of Hadintoun for the yeere to come, and gave his oath for faithfull administratioun thairof."

"The Lords of Secret Counsell having heard the relation made be M' Archibald Haldane, constable of the Castell of Edinburgh, and Alexander Waterstoun, keeper of James Grant, who was prisoner in the said castell, tuiching the maner of the said James his escape furth of the said castell, the saids Lords finds that there hes beene ane verie great oversight and negligence committed in the keeping of the said James, and that he hes not been so narrowlie and carefullie looked unto nor keppt so closelie and surelie as the direction givin to that effect. For the quhilk the saids Lords ordains the said M' Archibald to find cautiou and souertie actit in the bookes of Secret Counsell that he sall compeer personallie before the saids Lords when ever he sall be lawfullie charged to that effect and answere to suche things as sall be demanded of him.
tuictheing the escape of the said James, under the pane of ten thousand pounds. And ordains the said Alexander Waterstoun to be committed close prisoner in the tolbuith of Edinburgh therein to remaine upon his awne expenses ay and whill he be fred and releaved be the saids Lords.”

“The whilk day in the presence of the Lords of Secret Counsell compeiried personallie Sir Patrik Hepburne of Waughton, knight, and became actit and obliest as cautouner and souertie for M’ Archibald Halden, constable of the Castell of Edinburgh, that the said M’ Archibald sall compeir personallie before the Lords of Privie Counsell when ever he sall be lawfullie charged to that effect, and answer to suche things as sall be demanded of him tuictheing the escape of James Grant furth of the said castell, under the pane of ten thousand pounds.”

“James Grant his bastard sone, callit George Grant, about 20 yeeres of age, and Patrik M’Kenzie, about 15 yeeres of age, wer the boyes that attendit upon James Grant, and who upon Sunday last between sevin and eight carried a haquebut to Leith whiche they brought to James Gordoun, keeper, notar, his spous, upon Saturday last, and whicbe George alledged that James Grant had bought frome Alexander Waterstoun, his keeper, to be sent to a freind.”

Sederunt ut die predicto unacum Carnegie.

“The whilk day the commissioners for the burrowes compeirand personallie before the Lords of Secret Counsell and being demanded if they wer now prepared and ready to give an answere to the article propounded unto thame anent the most fitt and commodious places for the plantatioun, they declared that they could not give answer thereanent till first they understood what noblemen, barrouns, gentlemen and burrowes would joynie with them in the mater of the fishing, and the drift of their answere tended to this—That in all these places of the plantatioun there sould be ane reservatioun of the fishing to the natives allanerie. Bot they being with good reasoun put aff this point as ane article that his Majestie would not yeeld unto, they then be ther petition craved ane warrand and commission frome this meeting to the commissioners of the said tratie for the part of this kingdome to interced with his Majestie to extend his declaration anent the reserved places for the fishing to the seas lying betuix Buchanessie and Ridhead, at the least foure or fyve myles aff the coast lying betuix the saids points, as alsua to the loches of Lochtartbet, Lochstornwy, Lochmade, Lochimpote and upon the mayne of Lochbrome. The desire of this petition being considerit be the saids Lords the same wes upon verie good reasouns refused, quhaireof one reasoun wes that the noblemen who wer commissioners in that tratie and had dealt so faithfullie and honourable therein for the weale of the kingdome could not assit ane petitioun for recalling their
awne doings. And the burrowes were remitted to use their owne means to petition his Majestie thereon.

"Thereafter the burrowes gave in the note underwritten containing commodious places for the planting, quhairof the tennour followes:—

Whereas there being remonstrance made to the Lords of his Majestie most honourable Privie Counsell showing the necessitie of the forder for enlargement of his Majestie declarationus anent the places to be reserved for the natives of this kingdom wherein it was desired that certaine few loches, frome whence the hail fisher touns of this kingdom hes had their lyffe and being, might be reserved to the use of the natives, quhilk places ar omitted furth of this declaration, it is declared that the places following of the yles and land foreagainst the same ar als commodious for the plantatiou, viz., imprimis, Lochsewart lying upon the south east end of the yle of the Lewes, being ane loch that goes ten or twelffe myles up in the land, whairof aucht myles ar navigable for shippes of greatest burdein and ane saulfe harberie wherein there hes beene twa or three hunredth shippes loadned with fishes in some yeeres; Lochlenrebus in the Lewes, ane commodious harberie both for shipping and fishing; Lochor in the Lewes, commodious both for shipping and fishing; Kilskeir upon the mayne, sometyme an excellent fishing and ane receptacle for shippes of all burdein; Lochgar in the mayne, commodious for shipping and fishing; Lochhead upon the mayne, commodious for shipping and fishing; Lochurne in the Kyle, ane commodious place both for fishing and harbereis; with ane great nombre moe quhilk would require a long tyme to sett doun, the saids yles and mayne foreaganis the same abounding so muche in loches and harbereis.

"This was answered as the former. Thereafter the burrowes being demanded what nombre of bushes or vessellis for bushing they wer able to reik out for the bushe fishing, they declared be way of discourse that for the present there wer 60 vessellis whairof some of twentie twnne the pece and some abone that past furth of the touns on the south and north coast; quhilk nombre wes farre inferiour to that whilk in preceding yeeres went out of these bounds; and they declared that in the west countrie there would be aucht great shippes and 52 boats attending the shippes that went to the fishing."

"The whilk day in presence of the Lords of Secreit Counsell compirit personallie John Geddes, ane of the bailies of Dumfries, and John Hairstanes, lait baillie of the said burgh, and exhibite before the saids Lords David Wallace, jaylour of the tolbuith of Dumfries, who being examined anent the escape of Thomas Armstrong and Andrew Johnstone, twa fugitive lyommars who wer apprehended be Robert Maxwell of Orachtoun and committed to waerd within the said jayle, the saids Lords finds that there has been some negligence in the said jaylour in not dewartfull attending of the said jayle; for the better tryell quhairof the saids Lords ordains the provest and bailleis of Dumfries to exhibite before the saids Lords upon the first day of November nixt the persona...
who were appointed to watch and guard the said tolbuith, to the intent that the said David Wallace and they may be confronted and examined anent the escape of the saids lymmars, and suche forder order tane therein as the saids Lords shall thinke meit. And in the meane tyme ordains the said David Wallace to be committed to waerd in the tolbuith of Edinburgh therein to remainge till the said day that he and the said watche may be confronted and examined as said is. Quidirof intimation was made to the saids John Geddes and John Hairstanes to the intent no ignorance be pretendit heirof.”

“Most sacred Soverane, We have thought it our humble dutie to advertise your Majestie that upon Mounday, the 15th of this instant October, before eight of the clocke at night the rebell, James Grant, did make ane escape out of your Majesties Castell of Edinburgh; quhairropon immediatlie we did publishe a proclamatioun of howy and cry with a propositiou of 5000 N. Scottish for his apprehensioun, and we have writin letters to the Lords Justices of Ireland and the Erle of Antrym and the Vicecountes of Airds and Clanboy to advert unto his landing in their coasts as also diverse others letters to diverse noblemen and barons of this kynodme to make diligent searche for him in the severall shires quhair they doe live; and after examinatioun of the constable of the said castell and some of the warders and the keeper of the said rebell we have committed the keeper to close prisoun within the Tolbuith of Edinburgh and putt the said constable upon verie good bonds to appeare when required; for albeit as yitt it dooth not appeare to us that anie of thame ar guiltie of a wilfull escape, yitt if a negligent escape sall happin to appeare upon further tryell and examinatioun the same may be punished according to the lawes and consuetude of your Majesties kynodme. We cannot as yitt find out the trew way how the said rebell got out of his close prisoun hous, quhilk wes locked upon him, except he had some fals keyes, quhairrof he is reputed to have beene verie expert, but it is certane that after he gott out of his prisoun he went over the castell at the weakest part thairof upon a roape quhilk he left hanging on the said wall; but whiche way he went or whither he is gone we cannot as yitt learme but sall not faile to use all diligence and circumspectioun for his apprehensioun in all the places of this kynodme, and if he sall hapin to reparaie unto either of your Majesties kynodmes of England or Ireland, as is suspected, than your Majestie may be graciously pleased upon notice givin to direct suche a speedie course for his apprehensioun as may be most agreeable to the lawes and governement of these your Majesties kynodmes, quhairroby he may be remanded backe againe to this realme to receave his tryell, quhair he hes so highlie and treasonable offended, that suche exemplarlie punishment may be inflicted upon him as may terrifie all others from attempting the lyke hienes [sic] offences hererafter. So praying, etc. Halyrudhous, 18 Octobris, 1632. Dupline, Mortoun, Stratherne, Mershell, St Andrews, Wintoun, Wigtoun, Tullibardin, Roxburgh, Galloway, Seaforth, Annerdaill, Arch. Achesoun.”
Sederunt ut die predicto.

1632.

Holyrood
House, 19th
October 1632.

Act approving "The whilk day in presence of the Lords of Secrete Counsell compeired personallie William, Erle of Mortoun, Lord High Thessuar of this kingdome, William, Erle of Stratherne, President of his Majestie Counsell, Robert, Erle of Roxburgh, Sir John Hay, knight, and Mr George Fletcher, five of the commissioners nominat be the Kings Majestie for the treaty of ane Association for the fishing, and reported the forme and maner of their proceedings in that commissioun and treatie concredite unto thame be thair commissioun under his Majestie great scale, and with that declared that his Majestie out of his royall and princelie regarde of the honnour, credite and weale of this his ancient kingdome honnourde almost the hall meetings for this treatie with his royall presence. Qhubilc report being heard and considderit be the saids Lords and they well advised therewith, the Lords of Secrete Counsell allowes and approves of the whole proceedings of the commissioners in this treaty and in everie branche, member and article of the same, and in all that he proceedit and followed therein; and finds and declares that the whole commissioners who dealt in this treaty for the part of this kingdome hes verie honnourable and faithfullie caried themselves therein for the honnour, credite and weale of this kingdome, conforme to thair commissioun and instructioun; and thairfoir exoneris thame of all and everie thing that may be objected againis thame anent this treaty."

"The whilk day the commissioners for the burrowes being demanded what they had to say anent the fishing of Ballintrae, they declared that they had nothing for the present to say thereanent. And thairfoir the Lords of Secrete Counsell have ordained and ordains that nothing be done nor concluded anent that fishing whill Sir John Hamlitoun of Barganie be warned."

"The qubhilk day the Lords of Secrete Counsell ordains Andrew Quyte, keeper of the tolbuith of Edinburgh, who was personallie present, to use John Meldrum now prisoner in the said tolbuith with courtesie and favour in his bed and fire, and to suffer and permitt his wife to have access unto him at suche tymes as she sall require, and to remaine with him if she please for his better confort and service in his sightness."

"The whilk day in presence of the Lords of Secrete Counsell compeired personallie Francis Steuart, sone to the late Erle of Bothuell, and desired the renuication made and subscryved be the Erles of Roxburgh and Buccleuche of the benefite of the forefaltour for suche lands and teinds as they bruicke be other good rights proceeding the forefaltour and the said Francis his inhabilitie might be also extendit to the possessiou accquired be the saids Erles be vertew of the forefaltour. Qubhilk desire being heard and considderit be the saids Lords and they being therewith

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1 This Act is dated 20th October in the Sederunts.

2 This Act is dated 18th October in the Sederunts.
and with the renunciation foresaid weill advised, the saids Lords finds be interloquantour that the said renunciation in the termes as it is conceived is rightlie sett downe."

*Sederunt ut die praeicto.*

"Forsameekle as after ane long tyme and manie meetings betuix the commissioners of both his Majesteis kingdemes of Scotland and England for ane generall Association for the fishing, whereat his Majestie, out of his royall and princelie regarde of the credite and weale of this his ancient kingdome, assisted for the most part himselfe in persoun, the business was at last to his Majestie great contentment concluded with mutuell consent, and chartours grantit be his Majestie to the Companie of the Generall Fishing of Great Britane and Ireland, quherein his Majestie hes givin libertie to fishe in the seas of all his Majestie dominions, saving suche places as for the necessar use of the natives his Majestie should particularie reserve by his proclamation, as by the saids chartours may appear. And his Majestie understanding that manie of his Majesties subjects of this kingdome dwelling upon the bounds adjacent to the rivers and firths of Forth and Clyde have beene at all tymes heretofore and still ar at some seassouns in the yeere cheefelie mainteanned by the fishings thairof as serving for thair necessarie use, so as they can hardlie subsist without the same, thairfor it is his Majestie express will and pleasure and his Majestie doeth heerby expresslie declare that nanie by vertew of the generall association for the said fishing shall fishe betweene St Tabeheid and Ridhead, or in anie place within that firth; and as for Clyde that nanie fishe betweene the Mulles of Galloway and Kintyre or anie place within the same except the natives according to the ancient custome; and for this effect ordains letters to be direct charging officiars of armes to pas to the mercat croce of Edinburgh and others places neidfull and there be opin proclamatioun to make publicatioun of this his Majesties royall declaration, quhairsthrow nanie pretend ignorance of the same."

"Forsameekle as the Lords of Secreit Counsell, having formerlie upon verie good advice and deliberatioun importing the credite and benefit of this kingdome maid by proclamation a verie strait restraint of importatioun of anie dollours be land within this kingdome and the receaving of anie dollours for coale and salt, after a precise terme appointed for that effect and now of a long tyme bygane, under the pane of confiscatioun of the saids dollours to his Majestie use besides the forder punishment of the imbringers thairof and receavers of the same for coale or salt in thair persoun at the arbitrement of our Counsell, as in the proclamatiouns made to this effect and dewlie published at all places neidfull, whairthrow nanie with reason can pretend ignorance thairof at lenth is conteanit; notwithstanding quhairfof the importatioun of dollours be land and the
receiving of dollours for the price of coale and salt continewes als frequent and ordinar as at anie tyme proceeding the said proclamation.
the persouens offending in this kynde preferring their awin privat and unlawfull gayne both to conscience and thair dewtie and obedience to law: And whereas the presumptive and hope of impunitie encourages thame to goe fordward in this unlawfull trade, so hurtfull and prejudicial to the countrie and disgracefull to his Majesties governement that forrane coyne sall have course and the countrie filled therewith at uncertaine prices, weight and Lyneness bot at the appetite of the receaver and giver out thairof, thairfor the Lords of Secret Counsell hes heirby thought meit to signifie and declare that they will exemplarlie punishe all suche persouen or persoues as hes heeretofore presoomed or darre presoomes hereafter to offend in the lyke kynde. And for this effect ordains letters to be direct to mak publicuation heirof be opin proclamatioun at all places neidfull, whairthrow none pretend ignorance of the same, and of new to command, charge and inhibitie all and sindrie his Majesties lieges and subjects that none of thame presoom nor take upon hand to import anie dollours be land nor to receave anie dollours for coale or salt at anie tyme after publicatioun heirof under pane of confiscatioun of the saids dollours to his Majestie use and forder punishement of the persouens contraveening at the arbitrement of his Majestie Counsell: Commanding heirby his Majesties Thesaurar, Depute Thesaurar and Advocat to caus diligent inquirye and searche to be made where and be whome anie dollours hes beene or sall be imported or receave for the price of coale and salt and to call and conveene the persouens contraveening to thair trelly and to underly thair punishement conforme to this present proclamatioun as they will answer upon the dewtiful discharge of thair office."

"Most sacred Soverane, We have receaved your Majestie letter of the last of July, 1632, and according to your Majestie commandements therein express we have caused the twa charters sent to us concerning the associatioun of the fishing in your Majesties dominions and have placed the names of the Counsell and seales thairof in suche order as your Majestie hes beene graciouslie pleased to direct for preservatioun of the honnour and dignictie of this your Majesties ancient kingdome, and we have givin order to redelyver the saids chartours so sealed to Sir John Hay, knight, to be presented to your Majestie and disposed of as in your Hienes princelie judgement may seeme fitting for continewing that great and royall worke of the fishing in your Majesties saids dominions, quhairof all your Majesties subjects ar infinitelie bound humbelie to acknowledge your Hienes great grace and favour and care of thair sustentation at home and imployments abroad for increase of trading, shipping and seafaring men as the principall strength of your Majestie saids dominions. So praying, etc. Halyrudhous, 20 Octobris, 1632."
"Most sacred Soverane, Your Majestie letter of the 14th by the
paquet of the 20th we receaved upon the 27th of July concerning the
complaint exhibite unto your Majestie by a commissioner from the state
of Hamborrow and ane copie of the letter sent to your Majestie from
the said state desiring the letters of reprisall grantit be your Majestie to
Captane David Robertson to be recalled and the shippes takin be vertew
thereof to be restored in respect that justice wes nather denied nor
delayed to the said Captane Robertson for redressing his wrongs and
damages done to him by Alexander Longue and Michael Utenhold,
citizens of the said toun. And we being inquirit be your Majestie to
informe our selفس of the particular former proceedings in that busines
quhairupon the saids letters of reprisall wer grantit and to certifye your
Majestie thereof togidder with our further opiinnoun what may be most
fitting, quhairby your Majestie may returne suche answer to that state as
may be most agreeable in reason and justice, in humble obedience of your
Majesties said letter we did call for the copeis of the saids proceedings
and have caused draw up a breefe relation thairof which we doe heere-
with send to your sacred Majestie to be considered and disposed of as in
your Majestie high wisdome and judgement may seeme most fitting for
redressing the dishonour alledged done to your Majestie and the wrongs
and losses susteanned by your Majesties saids distressed subjects, of
whome we humbelie pray your Majestie to have compassion so farre as
your Hienes princelie justice may permit. So referring ourselfes to the
said breefe relation signed by us we humbelie take our leave, and with our
most humble and heartie prayers for your Majesties long health and
happines we sall ever remaine as becometh, etc. Halyrudhous, 20 Octobris. Subscribitur, Duplein, Mairshel, Mortoun, Wintoun, Seaforth,
Annandail, Tracquair, S' Thomas Hope."

"A breefe relation of the proceedings of the letters of reprisall
grantit to Captane David Robertson and his partners.

"Imprimis, we doe find that the said Captane Robertson did exhibite
before us ane greevous complaint of the wrongs alledged done in
September, 1628, by Alexander Longue and Michael Utenhold, citizens
of Hamborrow, who, as he alledged, maymed, wounded and killed a
number of his men, pouxsoned thair wounds, keppe his selفس prisoners
and tooke from him not onelie his awne ship bot also ane riche prize
takin be him be vertew of your Majesties commision and letters of
marit, as also most disgracefullie did pull doun your Majesties cullours
and trode thame under foote and with lyke disgrace did deface your
Majesties armes whiche wer upon the sterne of the said ship, and
uttered manie opprobrious words and contumelious speeches in contempt
of your Majestie as in and by the said petitioun more at large was expressed.

"And that for by the said petitioun he, the said Captane Robertson, prayed for letters of reprisall againis the citie of Hamborrow bot without having considerit that letters of reprisall wer not grantable bot upon the denyall or delay of justice when demanded and that for the said Captans humble sute we sent the said petitioun to your Majesteis Secretarie, the Lord Vicount Stirline, to be shewed to your Majestie and withall we wrote to your Majestie in November, 1628, in the behalfe of the said Captane and his caus and thereby humbelie prayed your Majestie to give notice to the said state of Hamborrow of the wrongs done to the said Captane and how that your Majestie being sensible thereof could not in honnour and justice deny unto him letters of reprisall incaise they shoulde refuse or delay to make suche redresse and reparatioun as justice and equitie required.

"After your Majestie had perused the said complaint and our said letter your Majestie first caused examine the proofes and witnesses upon oath in your Majesteis High Court of Admiralitie in England and thereafter your Majestie sent over the saids depositionis under the scale of the said Admiralitie to the Senate of Hamborrow with your Majesteis owne royall letters of the 11th of May, 1629, requiring the said Senate to make restitution and satisfaction within one moneth after the receipt of your Majesteis saids letters which wer solicited by your Majesteis Ambassadour, Sir Robert Anstruther, knight, to whome your Majestie then wrote for that purpose, bot in lieu of satisfaction the Senat and Magistrates of the said citie wrote backe that excuse to your Majestie by their letter of the dait the 29 of July, 1629, qhahirin they signified to your Majestie that the said Alexander Longue was absent before the receipt of your Majesteis saids letters and that they had communicted your Majesteis saids letters and the saids depositionis to the said Michael Utenhold qhairhy he might answer for himselfe and his said absent partner, Alexander Longue, and with all they did send unto your Majestie the supplication made unto thame by the said Michael Utenhold togidder with his reprobatorials made againis the saids depositionis of the witnesses of the said Captane Robertson; as also they signified to your Majestie that they had thair jurisdiction frome the Emperour and wer governed by the Caesarean lawes and thereby could not doe justice to the said Captane Robertson within so short a space as your Majestie desired bot promeist to doe justice with all expeditioun whencesover the said Captane Robertson sould send a procuratorie to persew the partie. After your Majestie had perused the said answer and the said Utenholds supplication and reprobatorials your Majestie did send the same to us with your Majesteis owne letter daited the 28 of December 1629, requiring us to grant letters of reprisall to the said Captane Robertson if it did appeare to us that justice had ather been denied unto him or delayed.
"When we had considderit your Majestie's said letter and papers therewith sent we did perceave that though your Majestie had writtin both to your Ambassador and to the said Senate that justice might be done and restitution made within one moneth after the receipt of your Majestie's letters yitt we being informed that nothing was done by the Senate all that space and that the scope of the said Senate's answer to your Majestie was onelie to draw Captane Robertsson to ane long and chargeable pursute in Hamborrow notwithstanding that he had clearlie provin his wrongs and damages in your Majestie's High Court of Admiralty in England, as we wer informed, and notwithstanding that your Majestie had sent the saids prooffes and depositionuns under the seale of the said Admiralty to the said Senate, thairfoir upon the second of Aprile, 1630, we ordained letters of reprisall to be passed to the said Captane David Robertsson under the great seale and made ane act that the saids letters of reprisall sould be sent to your Majestie's selfe to be disposed of at your Majestie's awne pleasure, and upon the 3th of Aprile, 1630, we wrote ane letter to your Majestie with the saids letters of reprisall signifieing that we had forborne to delyver the same to the said Captane Robertsson and had onelie sent the same to your Majestie that the Hamburghers might be the more easilie endued to resolve upon some present course for satisfactioun to your Majestie's said heavilie distrest subject. Captane Robertsson, who has beene long neglected by Hamburghers, at last went to see about July 1631 being three yeeres after he had receaved the saids wronges, and the said Captane Robertsson having deceased without doing anie violence to the saids Hamburghers and without receaving anie kynde of satisfactioun in his lyfetime, your Majestie was petitioned by his wedow and childrein and by his partners for new letters of reprisall, and upon their petition your Majestie commiserating their estait and great losses did by your royll others letters dated the 18 of Januarie last require us to renew the saids letters of reprisall in anie names they pleased, whiche we, did accordinglie performe upon the 7th of Februaire last in the names of Captane Orrock and Captane Scot, and sent the same to your Majestie owne selfe togidder with our letter dated the 9th of Februaire last, since whiche tyme we doe perceave some shippes of Hamborrow have been takin by thame and that some of the shippes and goods a're heere deterenned unjudged which we perceave to have beene the caus of the lait complaint exhibited to your Majestie by the said Commissioner of Hamburgh. And becaus the wynes and cornes which wer in the saidis shippes wer spoiling and lyke to perish we gave order to your Majestie's Admirlall to caus sell the same and to deposite the prices till your Majestie might be pleased to give further order.

"And this is the verie trew estait of our former proceedings in that business and we ar in hope and opinion since the prooffes of Captane Robertssoun's wrongs and losses wer certified by your Majestie to the State..."
of Hamborrow that the now commissioner of the said State hath authority and ought to offer and give satisfactioun to the parteis damned, having now beene delayed by the space of three yeeres after your Majestie had required satisfactioun and after your Majestie had certified the said State that your Majestie would grant letters of reprisall if satisfactioun were delayed one moneth after the receipt of your Majesties saids letters of the 11th of May, 1629, and the satisfactioun being so made and givin your Majestie may thereafter call in the saids letters of reprisall which otherwayes may still trouble the said State of Hamborrow and their subjects and putt the saids parteis to a great deal of more charges who almost alreadie ar undone for wanting of their satisfactioun and much impoverished by setting furth shippes for recoverie of their losses, which the said State may justifie lay upon the saids offenders whos goods they have under arreist, as by their last letter to your Majestie of the 2th of Februarie last may appeare. All whiche we humblie leave to your Majesties most gracious and princelie consideration and mounted care of preserving all your Majesties good subjects from wrong and violence."

Sederunt—Treasurer; Presses; Mairshell; Galloway; Seaforth; Lauderdaleill; Carnegie; Tracquair; Secretary; Advocate.


Holyrood House, 22nd October 1632.

The rents of the Earl of Bothwell.

"The Lords of Secret Counsell ordains the haill marginall minuts made before the tryell of the rentalls of the Erle of Bothuellis estait by oath of partie to be delete in respect of the change of the probatiquon."

"The whilk day the Erle of Roxburgh promeist to give in to the Clerk of his Majesties Privie Counsell under his hand ane note of the entreisises and gressomes receaved by him of these lands and teinds that he bruikes in the right of the foresaftour."n

"The whilk day Francis Stewart gave in to the Counsell and protestation to giddwer with ane appellation from the Counsell to the Kings Majestie."

"After our verie heartlie commendatiouns. We ar informed by George Aikrine of Underedge that his shippe, calit the Barbara of Dumbar, is cast away with her loading of timber upon the coast of England neere Rewkar in Yorkshire as she was coming home to this kingdome from Norway, and that diverse people neere to the said coast hath intromettet with his timber and furnishing belonging to his said shippe, quhairof, the maister being drownned and the companie come home, the goods ar left in the hands of the intrometteris whos names he or his attorney will discover to yow. We thairfor at the humble sute of the said George have thought fitt to recommend him and his said caus and losses unto the speciall care and justice of yow his Majesties Justices of Peace within the said shire and to the Viceadmiral of the said place and others officers and magistrates whome his Majestie hes entrusted with the administratioun of speedie justice in suche caisies,
1632. CHARLES I. 561

loyal Let terns, and we are confident that the said George will receive satisfaction at your hands as his report unto us may hereafter persuade us to afford the lyke here whatsoever occasion may occurre, etc. Halyrudadous, 22 Octobris, 1632. Subscriptur, Mortoun, Stratherne, Mairshell, Roxburgh, Winton, Galloway, Seafort, Lauderdaill, Carnegie, Tracquair, Arch. Achesoun, S't Thomas Hop."

"Most sacred Soveraine. This 22 day of October instant having beene appointed by us for advising and expeding the caus betweene the Erles of Roxburgh and Buccleugh and Francis Stewart, conforme to your Majesteis former royall directiouns, and we having this day met onelie for that purpose and as we wer sitting in Counsell the said Francis Stewart did exhibite unto us the within closed appellation or protestatioun signed with his hand, whiche as we conceave is so scandalous aganis the auctoritie of this table as we thought it our dewtie to remonstrat and represent the same to your Majesteis awne princelie censure as a mater taxing the whole bodie of your Majesteis Counsell of iniquiteit and injustic after he had beene upon the 20th day of this moneth gentlie admonished to forbear suche aspersiouns as deservedlie might enduce the Counsell to commit him to the Castell of Edinborrow untill your Majestie sould be pleased to release him againe; all whiche we humbelie leave to your Majesteis gracious consideratioun and further directiouns, and sail ever remaine, etc. Halyrudhous, 22 Octobris, 1632. Subscriptur, Mortoun, Stratherne, Mairshell, Galloway, Seafort, Lauderdaill, Carnegie, Tracquair, Arch. Achesoun, S't Thomas Hop."

My verie honnourable good lords. I have receaved your lordships letter showing me of that traitour James Grant his escape, quhairof I am muche discontent, and desiring that he have no recept within my bounds, quhairof I sall have ane speciall care and have alreadie givin directioun throughout my haill bounds that he be no wyyes resset therein; and if anie notice may be had of him that all expeditioun may be used for his apprehensioun. In the meane tyme this last night, being Fryday the 28 of this instant, that traitoure wife did come where I have my present residence at the Bog and in a maner forced lodging to her selfe at my yett (upon quhat pretext I know not) whome I have now in keeping to see if she can anie wyyes forder the tryell of her husbands present being or his breaking of waird; and if your lordships sall thinke expedient that she in these may be anie wyyes stedable, upon your lordships advertisement I shall delvery her to the shireff of the nixt shire that accordinglie she may be transported south, or other wyyes as your lordships sall thinke fitting she sall be sett free; and withall I assure your lordships that I sall leave nothing undone that lyeth in my power for apprehending of that villane if anie wyyes he come in anie bounds perteaneing to me, and not onelie in this [but in] anie other service that may yeeld his Majestie and your lordships contentment, your lordships sall always find me,
etc. Boggeech, 27 Octobris, 1632. *Sedebiitur*, Lordships most loving to serve yow, Huntlye."

Sedebunt—Treasurer; Præses; Privy Seal; Roxburgh; Buccleuche; Annerdaill; Lauderdaill; Secretary; Clerk Register; Advocate; Sir James Baillie.

Charge to John "Forsameekle as the twa fugitive lymmers who latelie brake werd out of the jayle of Dumfreis, to witt, Thomas Armestrang and Androw Johnestoun, wer seene be John Carruthers of Ramerskaillis going throw the water of Annand with the yrnese upon thame, and whereas he was bound in the dewtie of ane good subject ather to have shouted thame or than to have followed thame and to have raised the fray he was negligence both of the one and the other, and by his connivence and silence he gives ane verey great evidence that ather he hes foreknowne or ellis he hes lyked verie weill of thair escape, thairfor the Lords of Secret Counsell ordains letters to be direct charging the said John Carruthers and alsa George Rig, servant to the Vicount of Drumlanrig, to whome the said John Carruthers confest that he had seene the saids twa fugitive lymmers, to compeir personallie befor the saied Lords upon the thousand day of November instant to answer to the premisses and to underly suche order as shall be tane thereanent under the pane of rebellioun and putting of thame to the horne, with certificatioun, etc."

"The Lords of Secret Counsell having at lenth heard Mr Johnne..." 

Charge to the provost and two bailies of Dumfries anent the two prisoners, Thomas Armstrong and Andrew Johnstone, who had escaped from the jail of the said burgh.
1632. CHARLES I. 563

“A letter from the Marquis of Huntlie certifieing the Counsell of his taking of James Grants wife, and ansuer of thankes ordained to be returned to the Marquis desiring him to send the wife to the Bishop of Aberdeen to be examin’d be him tuiching her knowledge of her husbands escape and who was accessorie to the same, and what she knowes of his present being and where and in what places he lurkes or frequents; and a letter to the Bishop desiring him to examine the wife upon the particulars, and as he sall find caus ather to committ her and advertise the Counsell or otherwayes to sett her at libertie.”

“William Wallace cautioner for his brother David, the jaylour, for his caution by compeirance upon Tuisday come 15 dayes, under the pane of fyve hundreth merkea.”

“After our verie heartlie commendations to your good lordship. We recieved your lordships letter shewing your lordships care and directionis givin through your hail bounds towards the persute and apprehension of the traitour, James Grant, and how his wife is fallin in your lordships hands, quhairin we acknoledge that your lordship has done good and acceptable service and for the quhilck we render unto your lordship heartie thankes; and being loathe to trouble your lordship with the exhibition of her here we have thought meit that she sall be sent by your lordship to the Bishop of Aberdeen to be examin’d be him upon suche interrogators as we have sent to him. And thaikfoir these ar to request and desire your good lordship to caus send her under ane saulte convoy to the said Bishop of Aberdeen with convenient diligenc; quhilck looking assuredlie your lordship will doe, and the rather that your lordship knowes of quhat importance this service is, we commit your lordship to the protection of God. From Halyrudhous, the first day of November, 1632. Subscritur, Morton, Stratherne, Hadintoun, Roxburgh, Traquair, Arch. Achesoun, S’ Thomas Hop.”

“After our verie heartlie commendations to your good lordship. We have heard by ane letter from the Marques of Huntlie how that his lordship hes latelie apprehended the wife of the traitour, James Grant, and hes her in his custodie, and it being verie necessarie that she be examin’d by some of his Majesteis Counsell, and quhairis the exhibition of her here to that effect will be verie fashous and troublesome to these who sall be burdened with the charge thairof, we have thaikfoir thought it meit that her examination sall be at Aberdeen before your lordship, and we have writtin to the Marques to send her to yow. And thaikfoir these ar to request and desire your good lordship how soone this woman sall be exhibite unto yow that yow receave her frome these that sall have the charge of her convoy and that yow commit her to sure keeping and waird till your lordship appoint a convenient tym for her examination upon the particulars following, to wit, tuiching her knowledge of her husbands escape, who wer accessorie thereunto, what she knowes of his present being, and where and in what places he lurkes and frequents,
and upon such others particular as your lordship out of your awne 
judgement sall thinke fitt to demand of her, and as your lordship sall 
find caus and mater worthie of her dentiout that your lordship other 
committ her and advertise his Majestie Counsell with her depositions, 
or otherways that your lordship sett her to libertie. Qhilik recom 
mending to your lordships judicious and wise consideration we con 
committ your lordship to God. Frome Halyrudhous, the first of November, 
1632. Scribedur ut supra.”

Sederunt—Treasurer; Præses; Privy Seal; Wintoun; Buccleuch; 
Annderaill; Advocate; Sir James Baillie.

[No record of business.]

Sederunt—Præses; Privy Seal; Buccleuch; Annerdaill; Tracquair; 
Secretary; Clerk Register; Advocate.

Letter from his “A letter from his Majestie anent reforming the abuses of forraine 
coyne, and the proveist and baillies of Edinburgh ar ordained to be 
warned to this day eight dayes.”

Sederunt—Præses; Privy Seal; Buccleuch; Annerdaill; Trac-
quair; Secretary; Clerk Register; Advocate.

Letter from his “The whilk day the missive letter underwrittin signed be the Kings 
Majestie and direct to the Lords of his Privie Counsell was presented to 
the saids Lords and read in their audience, of the qhillik the tennour 
followes:—CHARLES R. Right trustie and weibelovit counseire and 
counsellor, right trustie and right weibelovit counsellors and counsellours, 
we greit yow weill. Having at several tymes writtin unto yow that the 
abuses of forraine coyne current in that our kingdome might be rectified for 
the publict good and credit of that our ancient kingdome, we have now to that purpose sent expresslie thither our servant, Nicols Bryot, 
cheife graver of our Mint, of whois knowledge in maters of coyne we 
have experience. Thairfor our pleasure is that yow heare and con 
sider of anie propositioun made by our said servant or by anie other to 
that purpose, and that heerafter that yow take anie course that yow sall 
thinks most fitt for the tymelie rectifieing of these abuses, whiche we 
will take as verie good service done unto us. We bid yow farewell. FRome our honnour at Hampton Court, the 3 day of October, 1632. Qhilik missive being heard and considderrit be the saids Lords and they 
advised therewith, the saids Lords ordains the proveist and baillies of 
Edinburgh to be warned to compeir before the Counsell anent this mater 
upon the twentie day of November instant.”
"The Lords of Secret Counsell having heard and considdered the
rentalls of the eredome of Bothuell and abbacie of Kelso whilks the
Eroles of Roxburgh and Buccleuch doe injoy in the right of the fore-
faltour of the lait Erle of Bothuell and of the inhabilitie of Francis
Stewart, his eldest sonne, givin up be the saids Eroles upon thair oath
of veritie and subscryved with thair hands, the said Lords ordains the hail
processe, togidier with ane abbreviat of the saids rentalls, togidier with the
missive letter underwrittin to be sent up to his Majestie, of the quhilk the
tennour followes:——Most sacred Soverane. Whereas your Majestie hes
beene pleased by your severall letters of the eight and last of August, 1631,
and 28 of May, 1632, to recommend unto us the tryell of the estait and
rent of the eredome of Bothuell and Abbacie of Kelso which the Eroles
of Roxburgh and Buccleuch doe injoy by the forefaltour of the lait Erle
of Bothuell and inhabilitie of Francis Steuart his sone, we have in
obedience of your Majesteis royall command and conforme to the order
thereby prescribed, used our best care and diligence for cleering of the
truth of that mater referred by your Majestie unto us; and after
sindrie dyets and meetings keeped for a mutual probatioun to have bee
led by either of the saids parteis, in end the said Francis made offer and
was content for facilitating of the said tryell to referre to the saids Eroles
thair oaths of veritie the rent of the estait which they bruike and injoy
by the forefaltour, or whiche is now payed unto thame or hath beene
heertofore payed to the lait Erle Bothuell or Abbots of Kelso. Qubahir-
upon the said Francis gave in three bookees conteaing the names
of the lands and possessours thairof blanke in the dewtie whiche wer
givin to the saids Eroles to be filled up by thame, who accordinglie repro-
duced the double of the bookees filled in the dewtie and thairupon made
faith in judgement that the same wer trew according to thair knowledge
and information whiche they had receaved thereanent from others;
and therewithall produced ane renunciatioun under thair hands for
quytting to your Majestie the benefite of the forefaltour of suche lands
and teinds as they professe to possesse by other rights than be the fore-
faltour and the said Francis his inhabilitie. And as concerning the
churches of laick patronages belonging to the said Erle of Buccleuch in
regarde the said Erle hes onelie right to the presentatioun and not to
the fruite of the benefices [whairof he receaves no profite] we have
thought meit for your Majesteis better information concerning the
different worth of the severall patronages to acquaint your Majestie with
the estate of the particular churches according as the same has beene
valued before the subcommissioners for the teinds, the copeis of whiche
valuatiouns, with the extract of the processe led and deduced before us
we have thought fitt to send up to your Majestie to be considderit and
disposed of as your Majestie in the excellencie of your incomparable
wisdome sall thinke fittig; whiche for ane account of our proceed-
ings we humbele offer to your Majesteis princelie consideratioun.
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RENTALL OF THE HUNDRETH MERKLAND OF KELSO.

Of silver, ........................................ 1581l. 2s. 1d.
Capouns, ......................................... 93½.
Sheirdayes, ........................................ 1410.
Carradges, ........................................ 234½.
Salmound, .......................................... 72.
Kaine foullis, .................................... 353½.

RENTALL OF SPROUSTOUN.

Of silver, ........................................ 78l. 13s. 4d.
Meale, ........................................... 62 bollis.
Beir, ............................................. 193 bollis.
Oates, ........................................... 250 bollis.
Peis, ............................................ 60 bollis.
Wheit, ........................................... 74 bollis.
Rye, ............................................... 3 bollis.
Capon, ........................................... 10.
The hay estimat yeerlie to 15 dayes work.
Of broom everie thrid yeere, .............. 50 turse.

RENTALL OF REDDIN.

Of silver, ........................................ 2278l. 9s. 0d.
Of meale, ....................................... 32 bolls 2 furl.
Of beare, ....................................... 27 bolls 2 furl.
Capon, ........................................... 36.

RENTALL OF BOWDEN.

Of silver, ........................................ 32l. 15s. 9d.
Long carradges, ................................... 12½.
Short carradges, .................................. 16¼.
Sheir dayes, ...................................... 40.
Capon, ........................................... 12.
Kaine foullis, ................................... 40.
1632. CHARLES I.

RENTALL OF MIDAM.

Of silver, . . . . . . . 348. 10s. 2d.
Long carrages, . . . . 18s. 3d.
Short carrages, . . . . 43s. 6d.
Sheir dayes, . . . . 73s. 3d.
Kaine foullis, . . . . 75s. 3d.
The few dewteis of the temporall lands of Kelso, 263s. 16s. 8d.
The few dewteis of the kirklands of Kelso, . 28s. 3s. 4d.
The tacke dewteis of the teinds of the kirks of Kelso, 13s. 16s.
The rentall bolls paid furth of the kirks of Dumsire and Caldercleir, . . . 16 ch. ½ boll.

SUMMA TOTALIS OF THE PARTICULARS ABONEWRITTIN.

In silver, . . . . . . . 4311s. 5s. 4d.
In victuall, . . . . . . . 59 ch. 14 bolls ½.

Quhairof to be deduced for the blenehe dewteis payed to his Majestie, the contributioun silver payed to the Lords of Sessioun, and for ministers stipends and furnishing of the elements

In money, . . . . . . . 965s. 6s. 8d.
In victuall, . . . . . . . 32 ch. 3 bolls.
Rests of free money rent, . . . . 334s. 18s. 8d.
Rests of free victuall rent, . . . 27 ch. 11 bolls ½.
Capons, . . . . . . . 151s. 6d.
Sheir dayes, . . . . 152s. 3d.
Carrages, . . . . . 23s. 8d.
Long carrages, . . . . 34s. 3d.
Short carrages, . . . . 60s. 6d.
Kain foullis, . . . . 469s. 6d.
Salmound, sax dossoun, inde . 7d.
The hay of Sproustoun estimat to 15 dayes worke.
The broome thairof everie thrid yeere to . . . 50 turse.

Summa of the whole gressomes receaied be the Erle of Roxburgh, . . . . . 17,198s. 3s. 4d.

Item receaied be the said Erle for the right of the teinds of Duddingstoun dispouned be him to Thomas Thomesoun of Duddingstoun, . . . . 8500 merkes.
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RENTALL OF THE LORDSHIP OF LIDDISDAILL.

Of silver dewtie, .... 9175s. 6d. 8d.

RENTALL OF CHAMBERLAN NEWTOUN.

Of silver dewtie, .... 296s. 13s. 4d.

RENTALL OF THE LORDSHIP OF CRICHTOUN.

Of silver dewtie, .... 1633s. 6s. 8d.
Of wheit, .... 41 bolls.
Of beir, .... 57 bolls. \( \text{Inde—12 ch. 4 bolls.} \)
Of aittis, .... 6 ch. 2 bolls. \( \text{Kaine fouillis,} \)
Of kaine fouillis, \( \text{Inde—3 dossoun.} \)

RENTALL OF THE LORDSHIP OF HALES.

Of wheit, .... 19 ch. 4 bolls. \( \text{Inde—42 cha. 8 bollis.} \)
Of beir, .... 19 ch. 4 bolls.
Of aittis, .... 4 chalder. \( \text{Kaine fouillis,} \)
Of kaine fouillis, .... 6 dossoun.

RENTALL OF MORHAME.

Of wheit, .... 27 bollis. \( \text{Inde—5 ch. 1 boll.} \)
Of beir, .... 27 bollis.
Of aittis, .... 27 bollis.

RENTALL OF PLEUCHLANDS.

Of wheit, .... 14 bollis. \( \text{Inde—3 chalder.} \)
Of beir, .... 14 bollis.
Of aittis, .... 20 bollis.

THE MYLNE OF MORHAME.

Of meale, .... 12 bollis.

SUMMA TOTALIS OF THE PARTICULARS ABONEWRITTIN.

Of silver, .... 11,105s. 6s. 8d.
Of victuall, .... 63 ch. 9 bolls, whairof,
"The Lords of Secret Counsell having read, heard and considderit the petition givin in in name of George, Marqueis of Huntlie, William Erle of Erroll, Dame Sophia Hay, Vicountesse of Melgame, and Katharine Forbes, mother to umquhile Johne Gordoun of Rothiemay, whairby they humbelie craved a contaminatioin of the criminall dyet appointed for the treyll of Johne Toshauke before his Majestie Justice upon the 21 day of November instant for the cruel and barbarous murder of the said Vicount of Melgame, the said Johne Gordoun of Rothiemay and others his Majestie good subjects, and that in respect of the neerenesse of the terme to the said dyet, whairthrow naither the said supplicants nor no others of his Majestie subjects who ar to be upon the said Johne Toshauke his assise can convenientlie keepe the said dyet. And the saids Lords being weill advised with the said petition and with the desire of the petitioners conteanit their thairfoir the saids Lords at the humble and earnest desire of the said petitioner, ordains and commands his Majestie Justice, Justice Clerk and their deputies to continew the said dyet appointed for the said Johne Toshauke his tryell before thame for the cryme abonewrittin till the 22 day of Februari nixto come, quhereanent the extract of this act sall be to thame ane warrand."

"The Lords of Secret Counsell understanding that by and attour the soume of money formerlie collected within this kingdome towards the relese of the distrest ministers of the Palatinat and whilk by exchange wees sent unto thame, there is sensyne five hundreth punds sterline collected and uplifted for the same use and delyvered to George Suttie, merchant burgess of Edinburgh, in whois keeping the same is presentlie and the saids Lords being trewlie informed of the necessitie of the saids distrest ministers, and being carefull that this soume be tymouslie sent unto thame, thairfoir the saids Lords ordains and commands the said George Suttie to delyver the said soume to William Dick, merchant burgess of Edinburgh, upon his acquittance. And the saids Lords recommends to the said William Dick to have ane speeciall care of the tymous and speedie sending of the said soume by exchange to Pempe Calladrine, merchant at Londoun, who is to caus delyverie of the same to be made to the saids distrest ministers; and that the said William
Dick report to the saids Lords the said Pempe Calladrine his certificat upon the receipt of the said soume with all convenient diligence."

"The whilk day Alexander, Erle of Linlithgow, Lord Admirall of this kingdome, produced and exhibite before the Lords of Privie Counsell ane missive letter from his Majestie togidder with ane gift under his Majesteis hand by the whiche his Majestie hes committed to the said Erle the charge of building and keeping ane fort upon Inchgarvie bezyde the Quenisferrie, and hes made and constitute the said Erle and his airs keepers thairof for the space of nynten yeeres, granting unto him for building and intertwinning of the said fort the impositioun and dewart of twa shillings Scottish money to be upliftit of everie twanne of coale and twa shillings money foresaid for everie twanne of salt that hes or sell be transported during the said space, and since the dait of the act of Counsell made thereanent in anno 1627. Quhilk letter and gift foresaid being heard and considerit be the saids Lords they ordane the same to be past and exped according to his Majesteis pleasure signified thereanent, and finds no necessitie that the owners of coale and salt sould be callit to the passing thairof. Followes his Majesteis missive for warrand of the act abonenwritin:—CHARLES R. Right trustie and right weilbelovit cousinie and counsellour, right trustie and right weilbelovit cousines and counsellours and right trustie and weilbelovit counsellours, we gret yow weill. Understanding that according to our direction for causing survey and fortifie suche places upon the coasts of that our kingdome as wer necessarlie requisite, yow have made choice of the yle of Inchgarvie within Forth, for building and keeping thairof for the intended use yow have by ane act of Counsell, exhibited unto us by our Admirall for the tyme, imposed ane dewart of twa shillings Scottish upon the twanne of coale and als muche upon the salt transported from that firth out of the kingdome, thairof we doe approve; thairfor we have beene pleased to signe ane grant unto him during the space of nyntene yeeres for building and keeping thairof with the said allowance imposed by yow, requiryng that it be exped under our scales with all convenient diligence, or anie other to that purpose keeping the substance thairof, which may be for the good and safetie of our subjects and others lawfullie trading within the said firth, for which these sell be ane sufficient warrand; givin at our Court at Newmarket, the 22 of October, 1632."

"The whilk day the Lords of Secret Counsell, having heard William Gray, baillie, and Mr Alexander Guthrie, town clerk of Edinburgh, and the generall and officiars of the Cunziehous upon the propostition made to his Majestie for reforming the abuse of fowrrane coyne, the saids Lords ordains the town of Edinburgh and the officiars of the Cunziehous to consider adviselie upon the said propostition and of the good and evill thairof, and to report their judgement and opinion concerning the same to the saids Lords upon the twentie nynt day of November instant, unto the quhilk day the saids Lords continewes this mater."
"The whilk day the missive letter underwrittin signed be the King Majestie and directed to the Lords of his Majestie Privie Counsell was presented to the saids Lords and read in their audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right wellbelovit cousine and counsellour, right trustie and wellbelovit cousines and counsellours, and right trustie and wellbelovit counsellours, we greit yow weill. Having of lat sufficientlie expressed our full resolution to repaire, God willing, the nixt sommer to that our ancient kingdome and to that effect required that a speciall care be had that nothing necessarie and decent be wanting for our receaving and interteament there; we have at this tyme thought fitt particularlie to recommend unto yow the preserving of our game of hunting and hawking in these parts whairin our lait royall father wes wont to use and where yow sall think we may take occasioun to repaire, and for causing amend the highwyes wherein we ar to pas; and to that purpose that yow prescribe suche speedie orders as sall be found requisite; because the tymelie doing thairof before our comming will conduce to the good of our service in that kynde and be lesse troublesome to suche of our subjects as sall be imployed therein: And if anie persons sall transgresse these orders that yow call thame before yow and censurse and fyne thame as yow sall find just caus. And hearing that the latenesse of the harvest there is likeli to occasion great skarsetie of victuall, our further pleasure is (if yow finde it likeli to prove so) that yow grant no licence nor suffer anie corne to be transported out of that our kingdome till our comming hither unlessse yow sall finde that it may be safelie spared without feare of anie ensing want—whiche as we desyre at all tymes to be prevented so speciallie at the tyme of our being there. All whiche faile not to do as purposes thairof we will expect the performance at your hands. We bid yow heartilie farewell. Frome our Court at Whitehall, the seventh day of November, 1632: Quhilk missive being heard and considerrit be the saids Lords and they advised therewith, the Lords of Secrete Counsell ordains his Majestie Secretar to write to Court to gett knowledge of his Majestie gestis to the intent that accordinglie directionis may be givin for all suche things as ar necessari for his Majestie royall and contented receptionn heere in this his ancient kingdome; and ordains ane copie of the letter foresaid to be delveryed to his Majestie Exchecker, to the effect they may accordinglie consider of his Majestie royall direction anent the restraint of exportation of victuall."

"Anent the supplication presentit to the Lords of Secrete Counsell be James Crichtoun of Fendraucht makand mendiont, that where John Leslie of Pitcaple having conveenm'd him before the saids Lords for certane alledgit charges and expenses quhilks the said John alledgit the supplicant had moved him to spend anent the tryell of the burning of his hous of Fendraucht, and the actioun being callit in presence of the saids Lords, the supplicant, putting his confidence [as he always yit;
does] in the Lord Chancellor his honourable carriage in that business, he at the first without anie order made ane reference to the said Lord Chancellor of all that concerned him antient the said John Leslie his clame, under protestation always that the supplicant no ways acknowledgit the said John Leslie his interesse and that his haill defences sould be reserved aganis the said John Leslie clame; upoun the whilk condition the said Lord Chancellor accepted the decision of that matter in and upon him. And in regarde the supplicant had not occasioun nather could he conveniently melt with the said Lord nather has yitt mett with him since the tym of the foresaid submission, but Mr James Baird, the supplicants advact, of his awne accord went to Perth to the said Lord Chancellor, where after some conference had with his lordship antient this busines it was appointed be the said Lord Chancellor himselfe in presence of the Lord Innerpeffer being there present for the tym in respect that there could be no meiting before November, that the supplicant sould come at some Counsell day in November and present himselfe before the saids Lords of Privie Counsell and there of new againe submitt himselfe to the said Lord Chancellor or to the whole number of the Counsell. And now for obedience of the said Lord Chancellor his appointment the supplicant is ready to submitt himselfe to the said Lord or to the whole number of the Counsell according to the tennour of the first submission but prejudice of his defences both aganis Pitcaples interesse and of his defences in the caus, and that it may be enacted that the first submission with all that hes followed or may follow thereupoun may be haldin as cancelled in respect of this present submission. Humbelie desyriing thairfoir the saids Lords to caus call upon the supplicant to compeir before thame and offer the said submission of the tennour abonewrittin according to the promise made to the said Lord Chancellor in his name, lykesis at mair lenth is contenit in the said supplication. Qhilk being read, heard and considderit be the saids Lords, and the said supplicant being accordinglie callit upon and compeirand personallie, he offered to submitt the actioon foresaid to the said Lord Chancellor or to the whole number of the Counsell, according to the tennour and contents of the supplication abonewrittin, and in regarde thairfoir protested that his first submission and decreit (if anie hes followed thairupon) might be voide.”

The whilk day in presence of the Lords of Secret Counsell present, James Maxuell and John Hairstanes, baillies of Dumfreis, for obedience and satisfaction of the act made to that effect upon the first of November instant, and declared that the warlock who was in their jaile and who was warder therein when the twa fugitive lymmars escaped furth thairof, wes execute and brunt before the baileis of Dumfreis come home when they were distmist be the saids Lords upon the said first of November instant; and they declared in the presence and hearing of David Wallace, jaylour of the said tolbuith, that the said
jaylour was discharg'd to suffer anie of the fugitives wyffes to have accessae unto thame, whilk the said jaylour, being personnallie present, could not deny. And thairfor the saids Lords finds and declaires that the said jaylour has committed a very great wrong in suffering the wyffes of the saids fugitives to have accessae to thame and that he has not answered to the trust reposed in him in that charge, for the quhilk the saids Lords remittes him to the magistrates of the burgh of Dumfreis to be censured and punished be thame according to the merite of his fault. And forder the saids Lords finds and declares that the magistrates of the burgh of Dumfreis has beene sleuthfull and negligent in not making of thair jayle fencible and that they have not beene so carefull in the guarding and watching of the same as in dweetie they aucht to have beene; and thairfoir ordains the saids magistrates to make thair said jayle fencible in doores, windowes and all other way in tyme comming, and to have ane speciell care of the sure and saulte keeping of the same; and ordains thame to find cautioon for their compeirance before his Majestie Justice or before the saids Lords of Privie Counsell when ever they sall be lawfullie charged and answere upon thair bypast neglect in suffering of the saids fugitive lymmers to escape, under the pane of ane thousand merkes. Lykewise the saids James Maxuell and John Hairstan, being personnallie present, actit and obleist thame selffes to compeir to the effect foresaid under the pane abonewrittin; and siclyke they become actit and obleist as cautioners and souerteis, conjunctlie and severallie, for the provest and others bailies of the said burgh that they sall compeir personnallie before his Majestie Justice or before the saids Lords to the effect and in maner abonewritтин, under the said pane of ane thousand merkes."

Sederunt—Privy Seal; Wintoun; Linlithgow; Buccleuch; Anner-dail; Lauderdale; Air; Bishop of Dunkeld; Bishop of Dum-blane; Bishop of the Yles; Lord Lorne; Lord Tracquair; Secretary; Advocate; Sir James Baillie.

"The whilk day the missive letter underwritten, signed be the Kings Majestie and direct to the Lords of Privie Counsell was presented to the saids Lords and read in thair audience, of the whilk the tenour followes:—CHARLES R. Right trusty and right weilbelovit counsellour and counsellour, right trustie and right weilbelovit cousines and counsellours, and right trustie and weilbelovit counsellours, we greit yow weill. Whereas diverse complaints have beene made to us and our Counsell heere in behalfe of some of our subjects of this our kingdome and Ireland aganis suche persons there as have bought goods from pyrata who had robbed thame at sea, to whiche purpose we did write of lait that the goods might be restored to the right owners compleaning in dew and lawfull tyme, in regarde it concerneth the good and honnor of that our ancient kingdome that suche abuses be rectified and the transgressours punished
according to the lawes thatirof, we ar heirly pleased to recommend that our Admirall for the tyme have all the lawfull and speedie assistance yow possiblie can for punishing the delinquents and restoring the goods to the right owners. But if both parteis sall happen to condescend amongst thameselffes to submitt their differences to be composed by our said Admirall, in these caises (for avoysing delayes by sutes of law amongst thame), we require yow to allow him (if neid beis) to modifie compositionus, provyding that the fynes (if anie sall happen to be imposed upon the delinquents) be imposed by your consent after the hearing of parteis, that nane have just caus to complaine. So recommending this speciallie to your care, we bid yow farewell. From our Court at Newmercat, the 23 of October, 1632."

"The quhilk day in presence of the Lords of Secret Counsell compairde personally Archibald, Lord of Lorne, and exhibithe and produced before the saids Lords the missive letter underwrittin signed by the Kings Majestie and direct to the saids Lords, quhilk being read, heard and considderit be the saids Lords they ordane the same missive to be insert and registrat in the bookes of Privie Counsell, of the quhilk the tennour followes: —CHARLES R. Right trustie and weibelovit cousine and counsellour, right trustie and weibelovit cousines and counsellers, and right trustie and weibelovit counsellers, we greit yow weill. Whereas the office of Justiciarie in the bounds of the Yles and others parts mentioned in our grant thatirof to our right trustie and weibelovit counsellor, the Lord of Lorne, is established and the questiouns removed whiche wer objected against that office, to the effect that justice may be dewlie and tyemlie executed in these parts according to the lawes of that our kingdome, our pleasure is that fronte yow to tyme, as the said Lord or his deputs sall have occasioun to use your aide in anie thing that may concerne his furtherance in the lawfull executioun of that office, yow grant the same unto thame. We bid yow farewell. Frome our Court at Outlands, the last of July, 1632."
The whilk day Edward Maxuell, callit Captan Edward, being demanded upon oath if since his last appearance before the Exchequer he had made anie provocatioun be word or writ to anie of the Lord Tracquair's servants, he depoune and declared upon oath that nather by word nor writt made anie suche provocatioun since the tyme foresaid.

"The whilk day the Lords of Secret Counsell having found it meit and expedient that Captane Edward Maxuell sould find cautiuon for keeping of his Majesteis peace with all his subjects, he depoune and declared upon oath that he wey not able to find anie suche cautiuon, his freinds being all out of the toun at this tyme, and thairfoir he actit, band and obleist himselfe to observe his Majesteis peace with all his Majesteis subjects, and to keepe good rule and quyetnes in the countrie in all tyme comming, under the pane of ane thousand punds; and he promised to imploy his best care and credit for reporting ane sufficient cautiuon to the effect abonewrittin betuix and this day fyftene dayes."

"The whilk day the Captane of Clanranald gave his compeirance; lykeas the Lord Lorne become cautiuon for his compeirance the tent of Julij nixt and for keeping of the generall band in the meanye tyme."

"The whilk day James Johnestoun of that Ilke become cautiuon for James Johnestoun of Neis his compeirance before the Counsell upon a lawfull citation to answere upon his making and subserving of double rights under the pane of a thousand merke."
And the Lords ordains ane letter to be writtin to the Lord Areskine for deliveringe what he hes of that kynde in his keeping."

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, being presented to the saids Lords and read in their audience, the saids Lords ordains the same missive to be insert and registrat in the booke of Secret Counsell, and ane copie thairof to be delivered to the Lords of his Majesties Exchequer, of the whilk missive the tennour follows:—CHARLES R. Right trustie and right weilbelovit cousine and counsellour, right trustie and weilbelovit cousines and counsellours, and trustie and weilbelovit counsellours, we greet yow weil. Whereas upon ane act of Counsell made by yow for building and keeping ane fort at Inchevargie we were pleased to grant for that purpose ane lease for nyonetene yeeres unto our right trustie and right weilbelovit cousine and counsellour, the Erle of Linlithgow, to be exped under the seales of that our kingdome; bot having occasion at this tyme to consider further of that purpose, our pleasure is that yow stay the passing of that lease till we shall be pleased to give further order tucheing the same, and for your so doing these sall be sufficient warrand. We bid yow farewell. Frome our Court at Whitehall, the 17th of November, 1632."

"The quhilk day M'Neill of Barra and M'Claine of Lochbowy, being oftymes callit to have compereid before the Counsell this day, the said M'Neill of Barra compereid be John M'Clay who desyred ane day in Marche for exhibitio[n of the said M'Neill, becaus, as he alledged, he was unable to travell in respect of ane hurt quhilk he receav[ed by a fall from his hors; and M'Claine of Lochbowy compereand be Johnie Nicoll he desyred the same day. Quhairunto the Bishop of the Yles, being present, opposed. The Lords continewed this mater till Thursday next."

"My most honorable and verie good lords. James Grant his wife was brought to me from my lord Marqueis of Huntlidgeid with your honours letter concerning her, according to whiche I examined her and have sent heerewth her depositeion under her owne hand; wherein nothing (in my judgement) of that moment as quhaires to make more busines about her. And it having pleased your honours to referre so muche to my discretio[n I choosed rather to dismis[e her then ather to trouble your lordships more with her or anie of the liegeis with her transportatio[n and exhibitio[n to small or no purpose. The grace of God be with your good lordships alwayes. Aberdin, 27 November, 1632. Your honours humble servant, Pa. Aberdene. Followes the depositio[n:—At Ald Aberdene, the twelffe day of November the yeere of God, jn vi[ and threttie twa yeeres, compereid in presence of ane reverend father in God, Patrik, Bishop of Aberdine, Elspitt Inneis, spous to James Grant, and being solemnelie sworn, declared be vertew of her aith that she removed furth of the Castell and left her husband upon
Saturday the 13 day of October last about twelffe houres or thereby after that she had compted and reckoned with the maister porter, Robert Kennedie, and had takin her leave fra the constables wife, the said maister-porter and the keeper of her husband and his wife, and in taking her leave she prayed the keeper that he sould attend her husband for she feared that he sould take some desperat course be reasoun of the death of his sone; and that night she past to Leith to the hous of Normand Baptie accompanied with Margaret Scot, her awne servant, quhair she remained that night and upon the morn she boated and landed in Kingorne be twelffe houres and past that night to Cowper to John Donaldsouns hous accompanied with Thomas Kneir in Montrose and David Donaldsoun in Brechin, George Cuik in Elgine, Alexander McGowane there, and dynned in Patrik Kinnairds hous in Dundie; and from thence went that night to Longlone to the hous of Alexander Richartzoun betuix Dundie and Forfar, and therefra come to Ogill to James Ramsayes hous on Tuisday at night, and upon Wednisday at night come to the hous of Thomas Law in Mylnetoun of Glenesk, and upon Thursday come to Robert Ferquarsouns hous in Fugzeane, where she remained that night, and upon Fryday at twelffe houres in Fugzeane she went to Ferrar in Obeye that night where she remained quhill Sunday at twelffe houres, and thairfra past to Patrik Rids hous in Migowne that night, and upon Mononday past to the Kirkton of Glenbuchett, where her sonne was buried, and therefra that night past to Achindoun to Robert Royes hous, where she remained that night. Upon Tuisday past to Rothes to the hous of Robert Grant, her brother in law, where she remained quhill Fryday thereafter and therefra she being commying by the Boig of Geicht in her going to the Garioch for doing some of her eaffaires she come to the hous of Thomsoun beside the Boig of Geicht, and she being there some of my Lord Marqueis of Huntlies servants took her and had her to the place of the Boig quhair she remained quhill she was sent to the Bishop of Aberdein his place and being examined and sworne be her oath what knowledge she had of her husbands escape out of waerd depouned that she knew nothing ather of the tymne or maner thereof, bot on some dayes before her away coming from her husband, he being in great greefe for the death of her sonne, had uttered so muche to her that whatever he might befall he was now resolved to follow the counsell that his sonne had givin him, who assured him that what they had gottin out of him all that they could to his owne and his speciall freinds prejudice they would in end prove his enemeis and disappoint him of all hopes that they had givin him; becaus he understood by his sonnes information evidently that no remissioun wes obteanned to him; and thairfor as his sonne had advised him he wes resolved to assay escaping out of waerd. And being posed whither if knowing so muche of his mynde she had furnished him with anie means of escaping or knew anie by whome he wes furnished, depouned that she nather furnished anie.
herself nor knew by whome he was furnished except it might be by his lawfull sonne now deceast before his comming frome him, or by his naturall sonne who remained in the castell with him; and that she never knew nor heard of the tyme of her husbands escaping quhilk she heard the first report thairof in Robert Ferquarsouns hous in Fugzeane by ane post passing north by the Murealehous, quhilk report she heard more and more confirmed thereafter. Lykeas she depouned that the reason quhilk moved her to leave her husband was onelie to try and know the maner of her sones death; being lykewayes [posed] if since his escape she hes had anie correspondence with him or knowledge where he was or haunted or was receaved, deponis she never knew where he was since his escaping except she heard him say before his escaping that if he escaped he would visite his daughter in Ireland. And hes subscryved this her depositioun with her awne hand in presence of the witnesses underwrittin. *Sic subscribitur, Elespet Innes; Pa. Aberdene; Tho. Sandelands, witnes; Geo. Middilbe, writer and witnes; Ja. Sandelans, witnes; Johne Forbes d., witnes; M. Al. Scrogie, witnes.*

Edinburgh, 29th November 1632.

Sederunt—Wintoun; Linlithgow; Wigtoun; Air; Lord Gordoun; Acts, June 1632-June 1634. 
Bishop of Dunkeld; Bishop of Dunblane; Bishop of the Yles; Secretary; Advocate.

Answer by William Gray, baillie, and Mr. toun clerk of Edinburgh, compeirand in name of the magistrates of the said burgh before the Lords of Privie Counsell, they propounded certane reasouns by word whairfoir they could not upon so short advertisement anser the propositioun sent doun be his Majestie for remedieing the abuse of the course of dollers. In respect whairfoir the Lords assignes to the toun of Edinburgh the tent day of Januarie nixt to give in their peremptorie answers to the said overtour; and siclyk assignes to the officiers of his Majesties Cunzieous that same dyet for giving in their answers to the said propositioun.

"The whilk day William Gray, baillie, and M' Alexander Guthrie, Alexander Guthrie, townclerk of Edinburgh, for the magistrates of the said burgh anent the proposed remedy of the abuse of foreign dollers.

Edinburgh, 29th November 1632.
Warrant in the case of the complaint of Mr. George Black. 
M'CLean of Lochbouy and M'Neill of Barra.

The Lords gives warrant [illegible] for his conpeirance before the Counsell to answer this day eighte dayes upon the complaint of M' George Blacke until the eight day of December nixt."

"The Lords decreis anagis M'Claire of Lochbowy and continewes the outgiving of the letters till the tent of Januar nixt; and siclyke decreis anagis M'Neill of Barra, and continewes the outgiving of the letters till the tent day of Marche nixtcome."

"May it please your good lordships, Mr. Nicolas Briot, cheefe graver to his Majestie of his Hiens mynt in England, having brought unto us ane letter from his Majestie and his owne propositioun for reforming of the Mynt heere and restraining the course of dollers by decryng of the name and by coyning of some small leyed monies of ten deneirs fyne for exchange, we did give some short tyme to the provest and bailleis of
Edinburgh and to the generall, maister and officers of his Majesties Unziehous to consider of the saide propositioues and to certifie unto us their doubts and opinious. And they having this Thursday, the 29th of November, compered before us and delievered manie reasoons for a longer tyme to consider of the bussines, it being of a great and universall moment for the whole kingdome, we, upon consideratioun of the saide reasons, conceaving that our sacred soverane hes a speciall regarde to the weale of this his ancient kingdome als weill in the mater of the Mynt as in all other things concerning the same, thairfoir we have presoomed to grant a delay untill the tenth day of Januar nixt ensewing, whiche is assigned both to the toun of Edinburgh and officers of the Mynt to give in thair answers and opinious in writ, whereby, we having then persued the same, may be the more able to give his Majestie satisfactioune by our best resoloutious what we sall conceave fitt to be done in suche a bussines so highlie importing the good and credite of this kingdome and for preventing suche prejudices as perhaps may heerafter flow from the misconceaving of the trew nature of these things whiche ar propounded. Our heartlie request unto your lordships thairfoir is that your lordships, being now at Court, may be pleased to intreate his Majestie to accept of this our delay in good part as springing from our heartie affection and desire to give his Majestie trew information after we sall be able to know all the materiall circumstances of the said bussines, and in respect Mr Briot alledged he cannot stay heere untill the said day, thairfoir we have dismissed him with assurance of our resoloutions to his Majestie soone after the said day; qhagiof we pray your lordships to give notice to his Majestie least anie mistaking sould be of his so speedie returne to Court before his bussines wer perfected. So wishing your lordships all health and happines we rest. Edinburgh, 29th Novembrie, 1632. Subscriptur, Wintoun, Wigtoun, Buccleuche, Annerdaill, Lauderdaill, Gordoun, Air, B. Dumblane, B. Yles, Arch. Achesoun, S* Thomas Hop.”

Sederunt—Wintoun; Wigtoun; Annerdaill; Gordoun; Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate.

“The Lords ordains missives to be writtin to the whole Counsell to be heere upon the tent day of Januar nixtocom anent the coyne.”

“After our verie heartlie commendations to your good lordship, Whereas there is a meeting of the whole Counsell appointed to be heere at Edinburgh upon the tent of Januar nixt to consult and advise anent some proposiitioes sent doun be his Majestie concerning the coyne, quhilk being a mater of verie great importance quhairin the hail king-dome hes speciall interesse and quhilk thairfoir requires verie mature and grave deliberatioun, these ar thairfoir to request your good lordship to keep this dyet preciselie, to the intent your lordship may joyne with

Summons to the whole Council to meet on 10th January 1632.

Letter summoning the Council to a meeting on the 10th of January next annum the coin.
the rest of the Counsell by your best opiniones in this great and important bussines; and so attending your lordships presence the day foresaid, we commit your lordship to God. Frome Edinburgh, the 5 of December, 1632. Subscribitur, Wintoun, Wigtoun, Annerdaill, Dunkelden, Arch. Achesoun."

Sedunt—Wintoun; Wigtoun; Buccleuche; Annerdaill; Lauderdaill; Vicount of Air; Lord Gordoun; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate.

Declaration by "The whilk day in presence of the Lords of Secret Counsell compereid personallie Nicolas Briot, cheefe graver of his Majestie Mynt in England, and gave in the declaration underwritten subscriyed with his hand, for the better understanding of the propostioun made be him for reforming the abuse of forrane coyne, of quhilk declaratioun the tennour followes:—

A Declaratioun made by Nicolas Briot to the honorable Lords of his Majestie Privie Counsell haldin at Edinburgh upon Tuisday, the 4th day of December 1632, for the understanding of the propostioun made by him to the saids Lords at his Majesties command tучeinge the expulsioni of forrane moneyes out of his Majesties kingdome of Scotland.

That the said propostioun is made in favour and for the advantage of his Majesties subjects it is evident, becaus by it no particular person can hope of anie profite or benefite for the present and also nothing reserved for the tyme to come, except the ordinarie right of his Majesties officiers fees and expences of workmanship, as may be easilie seen and considerit.

"That the diminutiuon of the money from ellevin to ten deneirs fyne for the fynnesse of the small money cannot be callit abaseing thairof, becaus the price of gold and silver strickin in great peeces of money according to his Majesties ordinance remaine in the intrinsecall goodnes, weight and price, as they ar at this present.

"As also by the said propostioun is not understood that greater quantitie sould be made of the small moneyes then that whiche sall be judged necessarie for the use and commoditie of the people and that within the tyme that sall be appointed.

"And incase that the reasons more at length mentione in the propostioun made by the said Briot declaring the causes and reasons for whiche the small moneyes sould be made of the fynnesse of ten deneirs are not sufficient to make them be receaved, it sall be free for anie man to propound a better meane and to prove the same.

"That as the money of strangers hath beene brought in this kingdome by degrees and highted in thair price fra tyme to tyme, so this kingdome cannot be disburdenned thereof bot by that same way, that is to say, by
making lesse the price thairof also frome tyme to tyme, and that leasure may be givin to surrogat als good kynds of money of his Majestie in in their places; and so by these meanes the commerce and handling saill not be hindered nor changed.

"There is no reasoun to hight the price of silver within his Majestie kingdome so long as France and Spaine keeps the last ordinances, and namelie to hight the said silver to suche ane excessive price as the dollers and others moneys which have thair course in this kingdom may be converted in the standart money without tinsell and great losse.

"Lykewayes no remedy may be hoped for against this evill, rather anie good advice frome thame who are the causers of this disorder and speciallie frome thame who have seen the beginning thairof, to witt, the merchants and officiars of the Mynt and have not hindered the same according to the dewtie of thair offices, for the qhiblick they have to answer.

"And thairof it must be resolved for the present to lose a little and the sooner the better without respect of anie particular persons, and that so muche the rather that the delay in suche maters is of a dangerous consequent. The losse present is not considerable in respect of the great profite it will bring furth, altho the losse for the most part will fall upon the rich, who possesse the most part of forran moneys, and not upon the people who possesse the smallest part.

"It wer easie to bring manie exemples of crying doun sindrie sorts of moneys made by nighbours of this kingdome both in tymes past and not long since, and particularlie in France when the warres and publicit necessiteis required, the kings wer constrained for the weale of the estait to alter the money and hight the price of thair owne coyne, whiche necessitie of warres being past (without anie respect to the losse of the subject at that tyme bot considering onelie the tyme to come) have redacted and restored the moneys to the prices they wer at before the warres; whiche may be seene in the historie of Charles 7th, who after his warres againis England, when the peeces of 40 fl. wer brought doun to ane pund. Also Henrie the 3 in the tyme of the civill warres of the League, the moneys being highted and forran moneys brought in by his ordinance in the yeere 1577, callit the Edict of Poitiers, he redacted the money to half price; so that that whiche gave that day 60s. the morne onelie wes worth 30s.; and the testan, which then wes worth 30s. wes redacted to 15s.; and all forran moneys cryed doun, and these that had course redacted to the same price, for whiche cause the king wes greatly praised and his ordinances found so just that they wer observed to the yeere 1602.

"This also may be seene in the moneys of Germanie, since the battell of Prague, that the rix doller being highted to twentie florences the Imperiall Chamber ordained the yeere 1624 that the peeces having course for 20s. should be redacted to three shillings, and all other
moneys remitted to their owne prices as we may see them presentlie. Acta, June 1632-June 1634, Fol. 169, b.

The like hath beene done within this ten yeeres past through the most part of Italie, by the King of Spaine in Millan, by the Duke of Savoy in Florence, Mantua and others.

"It is to be observed and marked that the disorder of forrane moneys in the kingdome hath beene made by certeine particular persons who doe make thir profite and advantage by the hurt of the commonwealth, and by the introducioun of the saids moneys they have not onelie transported the commoditeis of this kingdome bot lykewayes his Majesties moneys, and hath destitute and destitutus daylie this kingdome of all the naturall money by thir unlawfull traffique, as if this kingdome wer a conquest kingdome, seing that he that is the soveraine is not knowne by his proper, naturall and coynned money. And this disorder is the greater that it hath beene made and continueth without anie caus or publict necessitie.

"It is manifest thairfoir by the foresaides exemples and reasouns what is the wonderfull benigntie of his Majestie towards his subjects of Scotland to make thame to understand and communicat to thame that whiche his Majestie esteemes to be thair profite and for the conservatioun of the honnour and dignitie of this ancient crowne; and that so muche the more that as frome the exemple of other soverane kings his Majestie by the right of his royall prerogative hath power to impone the price of gold and silver that ar coynned and is not obliged to declare to his subjects the causes, motives and reasouns thairof. Sic subscribitur, Briot. Qnhiilk declaratioun being read, heard and considderit be the saids Lords and they advised therewit, the Lords of Secret Counsell ordains copeis thairof to be givin to the towne of Edinburgh and to the officiars of the Cunziehous to be considderit and answered be thame upon the tent day of Januar nixtocome, which is the dyet assigned unto thame for answering the principall propositioun concerning the coyne."

"A letter from the Bishop of Aberdein containinge a report of the examination of the wife of James Grant and the said Bishop his dismissing of her in respect of her depositioun importing nothing to the discoverie of her husbands escape."

Edinburgh, 11th December 1632.

Sederunt—Privy Seal; Wintoun; Lord Gordoun; Viscount of Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate.

The officers of the Mint and Mr. Nicolas Briot.

"The Lords of Secret Counsell understanding that the Generall and Maister of his Majestis Cunziehous hes sequestrat some quantitie of the copper coyne as being abone and beneath the remedies of weight allowed the act of Counsell made thereanent, and having heard and considderit the desire of M' Briot craving deleyverie to be made to him of the said copper coyne, with the answeres made thereto be the officiars of the
Cunziehous, and being therewith and with the act of Counsell foresaid well advised, the saide Lords recommends to the officiers of the Cunziehous to use the said M‘ Briot with all courtesie and favour so farre as in the dewtie of their office and without violatioun of the said act of Counsell they may lawfully doe.”

“May it please your good lordships, Sir Harie Wod of Bonytoun, knight, having beeene served with a subpoena out of his Majesteis Exchequer in England to answer there at the sute of one Richard Carmadan, and conceaving himselfe not to be subject to that jurisdictioun of Exchequer there (he being ane actall indwelver in this kingdome and having nather lands nor goods within England) hath this day exhibited his bill unto us (which we doe heerewith send unto your lordships) setting furth that suche writs of subpoena ought not to be served nor execute within this kingdome, the same not being subject to the jurisdictioun of England, and that a precedent in this kynde may prove prejudiciall to the libertie of this realme. Thairfuir at his desire we thought fitt heirby to intreate your lordships to informe his Majestie of this mater whereby his Majestie may be pleased to give order to the barouns of Exchequer so to dismissee the said caus frome before thame as the said Richard Carmadan may be left to sue the said Sir Harie Wod in this kingdome as being the proper territorie of his abode where he may have speedie justice and executioun aganis his persoun and estait if anie thing sail happin to be found dew unto him. So leaving this busines unto your lordships wise and judicious consideratioun quhairoir his Majestie may be trewlie informed for preservatioun of the libertieis of this kingdome and jurisdictioun thereof, we sail ever rest, etc. Edinburgh, the ellevint of December, 1632. Subscribitor, Hadintoun, Wintoun, Air, Gordoun, Dunkelden, B. Dumblane, B. Yles, Arch. Acheesoun, S’ Thomas Hop.”

“My lords of Secret Counsell, unto your lordships humberlie meane
and shawes I, your servitour, Sir Harie Wod of Bonytoun, knight, that where I am charged be ane writt or precept, callit a subpoena, directed from the barouns of the Exchequer in England at the instance of Richard Carmadan, surveyer of the customes of Londoun, to compeit before the saide barouns of the Exchequer and to underly their decreit and sentence anent the soume of twa hundreth pundis sterline wrongoulie acclamed fra me the said Carmadan, and I am forder informed that he intends to arrest some soumes of money addebed to David Wod, my sonne, be some persouns in England, in the quhilk actioun I have verie infallible and pregnant reasouns to elude the petition of the said Carmadan in the said Court of Exchequer, yitt when I consider how farre a precedent this kynde might tuiche the liberties and priviledges of this kingdome and remaine upon record unto all posteriteis I resolved rather to underly the hazard of the persute and what may follow their-upoun nor to introduce ane exemple in my persoun and for my awne
particular wherein the haill kingdome may susteane publict prejudice; quhaireof I have thought meit to make your lordships acquainted to the intent that your lordships, after consideration of the nature and qualitie of the caus may take suche course and order as the fredome and privileedge of this kingdome requires."

"This petition delyvered on the backe in this forme:—

Apud Edinburgh, 4 Decembris, 1632.

"The Lords ordains a missive to be writtin to the Lord Chancellour, Thesaurar, President, and Secretar, recommending unto thame to sollicite his Majestie tuicheing the mater within writtin."

Sederrant—Privy Seal; Wintoun; Lord Gordoun: Viscount of Air; Bishop of Dunkeld; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate.

Edinburgh, 13th December 1632.

Letter of his Majesty anent a question at issue between the commissioners for the Burghs and the Constable.

"The whilk day in presence of the Lords of Secret Counsell compeired personallie Johne Sinclair, one of the baillies of Edinburgh, and exhibite unto the saids Lords the missive letter underwrittin signed be the Kings Majestie and directed unto thame conteaining his Majestie royall pleasure that no new gift be exped tuicheing the office of Constabularie till the commissioners for the Burrowes be lawfullie cited and heard to object aganis the same, and if anie questioun sall arise anent thair liberteis, to stay the passing of the said gift in so far as concernes the differences betuix the High Constable and thame untill they be legallie tryed and decided before the judge competent, as the said letter more fullie proports. Qubilk being read, heard and considderit be the saids Lords they out of thair dewtiful obedience of his Majesties direction ordains the saied letter to be insert and registrat in the bookes of Privie Counsell and ane authentick extract thairof to be delyvered to the Lords of his Majesties Exchequer to remanie with thame as ane warrand for staying the passing of anie suche gift as is mentionned in the said letter hereafter, of the qubilk letter the tennour followes:—Charles R. Right trustie and right weelbelovit cousine and counsellor, right trustie and right weelbelovit cousines and counsellers, and right trustie and weelbelovit counsellors, we greit yow weill. We have beene humbelie moved in behalfe of our free burghes of that our kingdome that we might be pleased to caus preserve thair liberteis and priviledges as our lait deir father did and as we have hitherto done, to whiche purpose thair humble sute is that they suffer no prejudice heerin by a commision grantit by us for trying the priviledges of the office of High Constabularie of that kingdome if anie new patent be grantit thereupon conteaining addititious derogatorie to thair former rights and customes. As our intention is to caus try what justlie doeth belong to that office that according as sall be found our High Constable may enjoy the same
in suche maner as anie of his predecessours formerlie have done, so we
doe not heirby intend that our saids burghes be prejuged in thair rights
and priviledges whiche they have ancientlie enjoyed by grants of our
royall predecessours; therefore our pleasure is that no new gift be expu-
tuicheing the said office of constabularie, if anie heirafter sall be presentit
unto yow, till the commissioners of our saids burghes be first lawfullie
cited and heard to object aganis the same, and if anie questioun sall arise
anent thair liberteis and priviledges that yow stay the passing of the said
gift in so farre as concernes the differences betuix our High Constable
and thame conteanit in the said gift untill they be legallie tryed and
decyded before the judge competent, to quhom we will that the tryeill
thereof be remitted. So we bid yow heartilie farewell. Frome our
Court at Oatlands, the last day of July, 1632. Followes the direction
on the back of the missive:—To our right trustie and right weilbelovit
cousine and counsellor, to our right trusty and weilbelovit cousins and
counsellors, and to our right trustie and weilbelovit counsellors, the
Viscount of Dupline, our Chanceller, the Erle of Stratherne, President of
our Privie Counsell, and remanent noblemen and others our privie
counsellors of our kingdome of Scotland.”

“The sameekle as in the course and order prescryved and sett down
for the monethlie attendance of the Commissioners for the Surrenders
upon that charge concrdeite unto thame, George, Erle of Wintoun
George, Bishop of Orkney; Androw, Bishop of Gallouay; Adam, Bishop
of Dumbane; Robert, Lord Burlie; John, Lord Wemes; the provest or
commissar clerk of St. Andrewes, and Duncan Forbes, burges of
Invernes, wer appointed to attend for the moneth of Januar nixt; and
Alexander, Bishop of Dunkelden; Adame, Bishop of Dumbane; Johne,
Bishop of Caithnes; Johne, Erle of Launderdaill; Johne, Lord of
Loudoun; David, Lord Carnegie; Johne McNacht, Johne Cowane, and
Mr Robert Cuninghame, wer appointed to attend for the moneth of
Februar nixt: quhilks moneths being now approacheing necessar
it is for the forderance of that service, whilk hes had so manie
delayes and continualion, that the commissioners foresaidis give
their attendance precislie, so that this service quhilk his Majestie so
earnestlie affects for the good of the Kirk and countrie be no longer
frustrat; thairfoir the saids Lords ordains letters to be direct charging
the commissioners foresaidis to attend and await upon the said Commission
the moneths respective foresaidis allowed and appointed to thame
and not to absent thameselies therefra without a scene and notour
caus to be allowed be the Commission, with certification to thame
that attends not letters sall be direct simpliciter to denounced thame
rebells, etc.”

“The quhilck day the Lords of Secreit Counsell recommends Mr James
Maxwell his poore and indigent estait to the charitable consideratious
of the nobilitie and counsellors.”
"After our verie heartilie commendationus to your good lordship. We have seene and considerit your lordships letter directed to the Erle of Hadintoun anent these who made merchandice with the pirat who latelie arveyed in the west seas and speciallie anent the behaviour and cariage of Johne Broun, who not onelie dealt for himselfe in this bussines bot for a number of others who furnished moneys to thair behove and use upon certane knowledge that the shippe was a pirat, and who himselfe saw and knew the men of Glasgow, who wer taken and tortoured be the pirat, and the men of Air who wer lykewyse takin, and the Dutche shippe whiche lost her loading of timber; and we allow of your lordships opinioin that this Broun sail be put to his criminally tryell after examinatioen tane of him be whome he was imploied in that earand and whome he knowes to be guiltie of the unlawfull trafiquing with the pirat, bot we thinke it not meit that he sail be examined upon oath, and thairfor we allow that your lordship sail putt him to his tryell criminally according to the course of law and justice and that yow sail reserve the pronouncing of sentence and doome till his processe be exhibite to his Majesties Counsell and that your lordship receave thair opinioin and directioen anent the doome. Your lordship sail lykewyse exhibite with the processe the examinatioens and depoistioens of this Broun to the intent the Counsell, after consideration thairof, may acquaint your lordship what they thinke fit to be prosecute and followed out aganis the others who bought and to whosu use the goods wer bought. And so with the remembrance of our best affectioens, committing your lordship to the protectioen of God, we rest, etc. Edinburgh, 14 Decembris, 1632. 

Sedentur, Hadintoun, Wintoun, Launderaill, Air, Gordoun, Dumblane, Sth Thomas Hop."

Edinburgh, 18th December 1632.

Commission to “Forsameeke as there is manie cleere and pregnant presumptioens that Marie Borthuick, leeman to Johne Toschoche, prisoner in the tolbuith of Edinburgh, hes beene privie to all his actions and courses since his first imprisoning, and that she can give a great light in manie things quhilsks may tend to the discoverie of the maters thairof the said Johne Toschoche is suspect guiltie, thairfor the Lords of Secret Counsell gives warrand and commission be thir presents to Johne Gordoun of Buckie to pas, search, seek and take the said Marie Borthuick wherever she may be apprehendit, and to bring and exhibite her before the saide Lords to be examined anent the premisses; and all things necessar for her apprehensioun to doe whiche by law and justice may lawfullie be done: Firme and stable halding and for to hald all and whatsomever things sail be lawfullie done heerin.”

Edinburgh, 14th December 1632.

Letter from the Council to the Earl of Linlithgow anent John Brown, who is accused of trading with a pirat, knowing him to be such.

Sedentur—Privy Seal; Gordoun; Carnegie; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate.
The Lords of Secret Counsell with consent of Andro Scot, chirurgeon, burges of Edinburgh, one of the creditors of Sir Johne Scot of Newburgh, prorogats and continewes the warrant formerlie grantit to the said Sir Johne for his saulf repair in the country till the last day of Februar, nixtocomme, with this declaration and under the condition and provisioun after following that if the said Sir Johne betuix and the said last of Februar sall not make payment to the said Andro of the s Omnes of money indebted unto him and faliyseing thairof to put him in the peaceable possioun of his lands, that upon report of the said Sir Johne his breache and contraventioun, the said protection sall be voyde and no forder prorogatioun sall be grantit unto him in tyme comming.

Sederunt—Privy Seal; Annerdaill; Lord Gordoun; Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate.

"Forsameekle as the Lords of Privie Counsell ar informed that there is great appearance of trouble and unquietnes lyke to fall out betuix Sir Alexander Nisbet of that Ilke and Dame Katharine Swinton, his spouse, on the ane part, and M’ Alexander Swintoun of Hiltoun, brother to umquhill Johne Swintoun of that Ilke, on the other part, anent the possessioun of the place and hous of Elbaack acclaimed be both the saids parties to perteane, the said Dame Katharine acclaiming the same as sister and air of lyne to the said umquhill Laird of Swinton and the said M’ Alexander Swintoun claiming the hous to perteane to him as air of taillyie to umquhill Robert Swintoun of that Ilke, his father, or to the said umquhill John, his brother, or ane or other of thame; and the said M’ Alexander having violentlie acquired the possession of the said hous he hes fortified the same with men and victuallis and inteds with the lyke violence to mainteane the possessioun of the same hous; and the said Laird of Nisbit with the concurrence and assistance of his freinds intends to use his best endeavours to recover the said hous backe againe fra the said M’ Alexander, quhairupon great inconveniences ar lyke to fall out betuix thame to the breake of his Majestie's peace without remeid be provydit. And thairfoir the Lords of Secret Counsell hes nominat and appointed and with that gives power and commission be thir presents to Sir William Cockeburne of Langtoun, Sir Johne Home of Blacader and Johne Home of Rentoun, conjunctlie, as neutrall and indifferent persouns, to pas and take the said hous and to remove all persouns furth of the same, and to make ane perfyte inventar of the whole goods and geir being within the said hous, and alsa to close and stampe the cabinets, lettrons and coffers wherein the said umquhill Laird his letters, writs, evidents, moneyes and jewellis ar, and to keepe the said hous, goods, trunckeis, coffers, cabinets and lettrons till they understand the saids Lords thair forder pleasure thereenant: and ordains letters to be direct charging the havers, keepers and detersaneis of the said
hous to randre and delyver the same with the goods and geir being
thereintill to the saieds commissioners within three dayes nixt after the
charge, under the pane of rebellion, etc., and if they fallyie to denunce
and to eschet, etc."

"The Lords of Secret Counsell decernis and ordains Mr. James
Ferquharsoun, agent for the Marquises of Huntlie, who was personallie
present, to make payment to Johne Meldrum and Johne Toshe of their
allowance and modificatien dew unto thame for byganes, and to make
payment to thame of the same weekelie in tyme comming quhil the first
day of Marche nixtoome."

"After our verie heartlie commendatious. Whereas the Kings Royall Letter,
Majestie is resolved, God willing, to honour this his ancient kingdome
with his royall presence this ensewing yere, and it being verie necessarie
for the credite of the countrie that all things concerning his contented
reception here be tymouslie foresene and amongst others things that
tymous provision be made of fed nolt, we must thairfor lay a part of
this busines upon yow, and will heriby request yow to advise and resolve
what number of fed nolt yow will undertake to furnishe and have in
readines aganis his Majestie heerecomming, for the quhilks yow sall
receave readie and present payment; and that you will certifie us thairof
by your letter upon the tent day of Januar nixtoome. Quhilk looking
assureldlie yow will doe, we commit yow to God. From Edinburgh, the
twentie day of December, 1632. Subscribitur, Hadintoun, Annerdaill,
Gordoun, B. Yles, Arch. Achesoun."

"After our verie heartlie commendatious to your good lordship.
Whereas the Kings Majestie hes givin order and direction that all his
hingings, plait and houshold stuffe sall be collected and drawin togidder
in his Majestie wardrop to the intent the same may be furthcumber
for his Majestie use and service at all occasionis, and being informed be
the keepers of his Majestie wardrop that some of this houshold stuffe and
hingings is in your lordships hands and keeping, these ar thairfor to
request and desire your good lordship to caus delveryer to be made to
the keeper or officers of his Majestie wardrop of suche of his Majestie
housshold stuffe as ar in your hands, and that your lordship will lett
us know by your letter upon the tent of Januar now approachinge what
hingings and other stuffe yow have delveryed and to whom. Quhilk
looking assuredlie your lordship will doe, seeing so is his Majestie will
and pleasure, we commit your lordship to God, etc. Edinburgh, 21
Decembris, 1632. Subscribitur, Hadintoun, Annerdaill, Gordoun, Dum-
blane, Yles, Arch. Acheson, St. Thomas Hop."

Sederunt—Stratherne; Linlithgow; Buccleuche; Annerdaill; Acta, Jane
1622-June 1634.
Bishop of Dumblane; Bishop of the Yles; Secretary; Advocate.
Fol. 172, a.
"Forsameekle as ane pyrat ship having latelie in the end of the last summer arrywed within the west seas of this kingdom loadned with a number of commoditieis and wairs pilled and refl be thame als weill from his Majesteis awne subjectes as from strangers, and they having made offer to make mercat and sale of the saids goods to all suche persons in the west parts of this kingdome as would bargane with thame thereanent, and the knowledge thairof comming to the eares of the Erle of Linlithgow, Lord Admirall, he out of the dewtie of his office made and caused publishe ane strait prohibition that nane sould presoomo to meddle with anie of the goods being in the said pirat ship or to bargane thereanent in anie conditioun under such panes as by the lawes of this kingdom ar provided in suche caisses; notwithstanding whairof it is of truthe that diverse of his Majesteis subjectes als weill to burgh as land within the west parts of this kingdome, preferring thair awne privat gayne to ane good conscience and to these common dewteis of respect whilk sould be interteammed betuix the subjects of both kingdoms, hes not onelie by thameselfes, bot by others to thair use and behove, bought a number of the commoditeis and waires being in the said pirat ship, and keeped opin mercat therewith, as if the ship and goods had beene lawfull waires, highlie to his Majesteis offence and to the hurt and prejudice of his good subjectes whois goods wer violentlie and be way of stouthrearfe refl frome thame be the saids pirats: And whereas his Majesteis Admirall out of the dewtie of his office is to proceed in the course of justice for recoverie of the saids goods and for making the same goods furthecommand according to law to parteis susteaneing skaithe and to make the delinquents answerable and furthecommand to thair tryeill, thairfoir the Lords of Secret Counsell ordains letters to be direct to command and charge all and sindrie his Majesteis lieges and subjectes who hes bought or to whose use and behove anie of the commoditeis and goods being in the said pyrat ship hes beene bought, that they and everie ane of thame give up to his Majesteis said Admirall upon the particular dayes to be appointed be him and to be openlie published by his precepts ane trew and perfynt inventor of the baill commoditeis, and wairis bought be thame or to thair use and behove furth of the said pirat ship, to the intent the said Lord Admirall may take such order for satisfacioun of the parteis susteaneing skaithe as he in the dewtie of his office sall thinke fitting; certifieing all suche persons as sall slight and contemne this present warning givin unto thame and sall neglect the termes and dyets to be appointed to thame be the said Lord Admirall for giving up of the saids inventars that he will proced againis thame for medling with the saids unlawfull goods so farre as the course of law and the justice of this kingdome will allow."

"The whilk day in presence of the Lords of Secret Counsell com-
peired personallie Alexander, Erle of Linlithgow, Admirall of this kingdome, and reported unto the saids Lords the forme of his proceedings
againis these persons in the west countrie who bought anie of the wairies and commodities being in the pyrat ship qwhilk latelie arryved in these west seas, and he craveed the saids Lords thair advice, counsell and opioun how to goe on and proced in the prosecution of that bussines for assuring of the goods and making the delinquents furth-cummand to thair tryell. The saids Lords having heard the proposi-tion forsoaid of the Lord Admirall, and being therewith weil advised, and being carefull and willing to assist him with thair best advice how to proced in these maters, the saids Lords hes allowed and allows the said Lord Admirall, and with that gives warrand to him to proced againis all suche persons who hes or sall confesse the buying of anie of the commodities and wairies being within the said ship frome the saids pyrats, knowing them to be pyrats, by committing of the saids persons to warid and to keepe and deteane thame in warid till he take suche order with thame for redresse and satisfaction of the partie skaitheid as he sall thinke meit; and tuiching such persons as hes or sall confesse the having or buying of anie of the saids goods bot denyes that they knew the partei fra whome they bought the saids goods to be pyrats that then and in that caise the said Lord Admirall putt the saids persons under good cautiou als weil for thair compeirance before the said Lord Admirall as for restitution of the goods and geir or prices thairof bought be thame or to thair use and behove fra the saids pyrats, and in caise they or anie of thame refuse to find the said caution that than the said Lord Admirall committ thame to warid and deteane thame therein in maner forsoaid."

"The whilk day the Lords of Secret Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented and exhibite unto thame, receaved and admitted Sir John Hay of Land, knight, to be ane of the ordinar number of the Privie Counsell of this kingdome in the place of umquhill Sir John Hamilton of Magdalens, last Clerk of Register; and to injoy all the honours, digniteis and priviledges proper and dew to that place. Lykeas the said Sir John, being personaillie present and acknowledging with most humble and dweitful respect his Majestis gracious favour shawin unto him in Fol. 173 a. preferrin of him to this place of honnour and dignitie, he in most sub-missive reverence upon his knees, his hand lying upon the halie evangell, made and gave the solemn oath of alledgedace and the oath of a privie counsellor. Followes his Majestis missive for warrand of the act abonewritten:—CHARLES R. Right trustie and right weilbelovit cousine, and counsellor, right trustie and weilbelovit cousines and coun-sellers, and right trusty and weilbelovit counsellors, we greit yow weil. Understanding that there is a place of our Counsell vacant by the death of Sir John Hamilton of Magdalens, knight, our last Clerk of Register, and having had manie proffes and good experiences of the sufficiencie and abilities of our trustie and weilbelovit Sir John Hay of Lands,
knight, and of his goode affectioun to doe us service, we r moved in
regarde thereof, and for his better encouragament and enabling for our
said service, to advance and promote him to be one of our Privie Counsell
of that our kingdom. Thatfor our pleasure is and we doe heireby
require yow that, having administered unto him the oath accustomed in
the lyke caises, yow admitt him to be one of our Privie Counsell, receiv-
ing him in that place as one of your number; for doing whairfof
these sall be unto yow sufficient warrand. We bid yow heartilie farewell.
Frome our Court at Whitehall, the 12th of December, 1632.

"The whilk day William, Erle of Stratherne, Lord President of his
Majesteis Privie Counsell, produced and exhibit before the Lords of
Privie Counsell ane patent under his Majesteis greate seal, bearing daies
at Whitehall the 12th day of December instant, by the whilk patent
his Majeste in remembrance of the manie good services done to his
Majesteis and his unquhill father of blessed and eternall memory by his
trustie and weilbelovit Sir John Hay of Lands, knight, was pleased to
make choise of him to be Clerk of his Majesteis Registers and Rollis,
and gave and dispouned unto him the office thairfof with all the digniteis
and privileidges belonging thereto in maner specifit in the said patent.
Lykeas the said Sir John being personallie present the said Lord
President of his Majesteis Counsell delveredy the said patent to him,
whilke he with all dew reverence upon his knees receaue, and humbelie
acknowledging his Majesteis gracious favour and bountie in conferring
the said place and office upon him, he promisest to use his best care and
endeavours for his faithfull discharge of that place and for approving
himselfe worthie of the trust whilk his Majestic had beene pleased to
repose in him, and thereupon gave his oath."

"The whilk day William, Erle of Stratherne, Lord President of his
Majesteis Counsell, presented and exhibite before the Lords of Privie
Counsell the missive letter underwrittin signed be the Kings Majesteis
and directed to the saids Lords tuicheing deleyverie to be made to Sir
John Hay, knight, Clerk of his Majesteis Registers, or to anie having
his warrand, of the keyes of all suche places and roomes within the Castell
of Edinburgh, Exchequer or elliswhere as unquhill Sir John Hamilton
of Magdalen, knight, lait Clerk of Register, did keepe be vertew of that
office, and tuicheing deleyverie to be made to the said Sir Johne of all suche
evidents, writs and publict records as wer in the possessiouen of the said
Sir Johne Hamilton, or sucht to be keeped be the Clerk of his Majesteis
Registers, to the intent they may be made use of as occasiony sall require
for his Majesteis service and the publict good. Qhilk letter being read,
heard and considderit be the saids Lords and they weill advised therewith,
the saids Lords ordains the said letter to be insert and registrat in
the booke of Privie Counsell and that all parteis whom it concerns
be warned to heare the desire of the said letter grantit. Of the qhilk
letter the tennour followes:—CHARLES R. Right trustie and right weil-
belovit cousine and counsellour, right trustie and weilbelovit cousines and counsellors, and right trustie and weilbelovit counsellors, we greit yow weill. Having beene pleased upon the considerations of the sufficiencie, qualification and affection to our service of our trustie and weilbelovit Sir John Hay, knight, to admit him Clerk of Register in the place of Sir John Hamilton of Magdalen, lately deceased, our pleasure is that yow give order to cause delyver to the said Sir John Hay, or anie having his warrand, the keyes of all suche places and roomes ather within our Castell of Edinburgh, our Exchecker, or elleswhere, as the said Sir John Hamilton did keepe by vertue of that office; and that yow lykeways give order to cause delyver to the said Sir John Hay suche writs, evidents and publict records as wer in the custodie of the said Sir John Hamilton or ought to be keepe by our Clerkes of Register that they may be made use of as ocasioon sall require for our service and the publict good; for whiche these presents sall be unto yow ane sufficient warrand. We bid yow heartlie farewell. Frome our Court at Whitehall, the 12th day of December, 1632."

"The whilk day William, Erle of Stratherne, President of his Majestie Privie Counsell, produced and exhibite before the Lords of Privie Counsell the missive letter underwrittin, signed be the Kings Majestie and directed to the saids Lords, of the whilk the tennoour followes:---CHARLES R. Fol. 174, a.

Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors, and right trustie and weilbelovit counsellouris, we greit yow weill. As by sindrie of our letters we have givin yow dew advertisement for causing repaire and doe suche things as wer necessarie for our repairing to that our kimgdom and abode there and for causing mend the his wayes in these places where we ar to resort, so having ocasion to direct thither our right trustie and right weilbelovit cousine and counsellor, the Erle of Stratherne, President of our Privie Counsell, for these and others things concerning our service, to whome we have particularie imparted our mynde and whome yow sall trust frome us heerin, and some other things for that purpose, it is our pleasure after yow have takin thame into your consideratioun that yow give order for effectuating thairof with als muche diligence as may be, that our said cousine may returne backe fullie instructed to satisfie us therein as we have givin him order to doe with all diligence. Whiche speciallie recommending to your care and whairof we will expect a speciall accompt, we bid yow farewell. Frome our Court at Whitehall, the eleventh day of December, 1632. Qwhilk missive being read, heard and considerit be the saids Lords they continew the order to be takin anent the particulars conteanit in the said missive till the nixt Counsell day."
1. Original of royal letter for continuing the commission of the Earl of Moray, printed ante, p. 3; addressed to the Viscount of Dupplin, the Earl of Monteith and remnant members of the Privy Council of Scotland.

2. Original of royal letter relating to compositions of the taxation with the Burghs, printed ante, p. 10; addressed to the Viscount of Dupplin, Chancellor, the Earl of Morton, Treasurer, the Earl of Monteith, President, and remnant members of the Privy Council of Scotland.

3. Extract of the Act of Council appointing a collection to be taken up for the sufferers by the overflowing of the Moes upon the lands of the Pows, printed ante, p. 25. Signed by M. G. Prymerose.

4. Scroll of Minutes of the proceedings of the Commissioners appointed by the Estates regarding the Fishing, and which are printed at greater length in the Acts of the Parliaments of Scotland, Vol. V., pp. 228-233.

5. Letters of charge under the Signet at the instance of Andrew, Bishop of Galloway, against the feuars of the lands and teaksmen of the teinds of the priory of Qhuittorn for payment to him of their proportions of the taxation granted in July last, which they refuse to pay without compulsion for his relief. The taxation for the first term is as follows:—Alexander, Earl of Galloway, for his lands of Stennock, £11 2s. 3d. for Portyerrock, £18 11s. 1d.; for the Mains of Qhuittorn, £25; for his half of the Yle of Qhuittorn, £11 2s. 3d.; Patrick Vaus, sier of Barnbraroch, for his lands of Carletoun, Kerindone, Apiwie, Craigilmyne, Craichdow, Outoun, Burges Outoun, Corwar, Wig, Stennock, Stewarts Wig, Curmarywe, Aureis and Baverenoch, £133 6s. 8d.; Anthone Howstatoun of Drumastoun, for his lands of Prestorie, £47 15s.; John Fleming of Carwod, for his lands of Crugiltoun Castell, £58 6s. 8d.; and for his half lands of Crugiltoun, £15 6s. 8d.; John Stewart of Crugiltoun, for his half lands thereof, £15 6s. 8d.; Alexander Cuninghame, sier of Poltoun, for his lands thereof, £37 15s. 7d.; Andrew Hannay, son and
heir of the deceased Archibald Hansay of Quhytehills, for their lands of Quhytehills, £8 17s. 9d.; M' Gilbert Gordoun of Shirrene, for his lands of Glenswintoun, £14 3s. 4d.; Robert McCulloch of Barmythe, for his lands thereof, £18 6s. 8d.; John Martine of Skedocke, for his lands of Skedock and Stennocke, £10; Thomas Blaine of Wig, for his lands of Wig, £11 2s. 3d.; Hew Kennedie of Little Arreis, for his lands thereof, £12 9s.; Harry Hauftorne of Meikle Arreis, for his lands thereof, £12 6s. 8d.; John Murray of Brouchtoun, for his lands of Outoun Chapell and Outoun Gallows, £3 3s. 8d.; M' Andrew Stewart for his lands of Wignegarne, £15; Thomas Kennedie of Ardmillane, for his lands of Ardmillane, £33 6s. 8d.; Lord Kintyre, for his lands of Kintyre, £55 11s. 2d.; the heretors and possessors of the crofts of Whithorne, £6.; Neill Montgomerie of Langschaw, for his teinds of the the kirk of Kirkmichael, £80 11s. 1d.; John Murray of Brouchtoun, for his teinds of Brouchtoun Skeoche, Brouchtoun Waill, Outoun Gallowes and Outoun Chappell, £18 6s. 8d.; James McCulloch of Drummorell, for his teinds of Drummorrell, £12; and Alexander, Earl of Galloway, for his teinds of the kirks and parishes of Quhiittorne, Glassertoun, Crugiltoun, Sorbie, Kirkmadine, Mochrum, Toshantoun aas Kirkmadine, Clashant, Kirkdaill, Kirkanders, Borg and Glestone, £281 18s. 11d. They are to pay these sums within twenty days after being charged, under pain of horning. For the sake of any of these persons who are out of the country proclamation is to be made of the letters at the market-cross of Edinburgh and at the pier and shore of Leith for payment within sixty days. (Signed) "Ja Prymrois." A note on the margin states that the letters were produced on 4th January, 1631, at Edinburgh by John Logane, messenger, and recorded in the Books of Counsell by Mr. Alexander Skene, clerk depute to Sir John Hamilton of Magdalens, knight, Clerk of our Soverane Lords Register, Council and Rolls. (Signed) "M. A. Skene." It is also noted on the back that execution was made at Edinburgh and Leith on 7th January, 1631; witnesses,—at Edinburgh, Robert Dalgleishe, messenger, and Walter Lysek, pursuivant, and at Leith, George Gordoun, messenger, and James Hird in Edinburgh.

6. Note signed by J. Prymrois of the agreements made with the burghs as to their extraordinary taxation, viz.:

<table>
<thead>
<tr>
<th>Burgh</th>
<th>Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edinburgh</td>
<td>9th August 1630</td>
<td>£40,000</td>
</tr>
<tr>
<td>Aberdein</td>
<td>&quot;</td>
<td>£1450 yearly</td>
</tr>
<tr>
<td>Linlithgow</td>
<td>9th September 1630</td>
<td>£163 2s. 6d. yearly</td>
</tr>
<tr>
<td>Stirlie</td>
<td>&quot;</td>
<td>£422 17s. yearly</td>
</tr>
<tr>
<td>Dumbar</td>
<td>&quot;</td>
<td>£90 16s. yearly</td>
</tr>
<tr>
<td>Glasgow</td>
<td>&quot;</td>
<td>£815 12s. 6d. yearly</td>
</tr>
</tbody>
</table>
7. Supplication by George Ros, merchant burgess of Edinburgh, as follows:—In October, 1629, he went to Ingland in the course of his wounted trade and purchased certain packs of cloth, of which, upon his way home, he sold two and a half in the burgh of Haddingtoun. The customs officers of Edinburgh sued him for the customs due upon these, but he suspended the process, lodging the sums claimed in the hands of Mr. John Skene, clerk to the Exchequer, until the matter should be legally discussed by the Lords of Exchequer, which has not yet been done. Nevertheless Patrick Baxter, one of the said officers, out of an extraordinary and causeless hatred against the pursuer, when he in October last had again returned from Ingland, and sent his whole pack of cloth to be “customeit,” and had paid the duties, kept up and still detains from him ten sticks of cairsewy worth £40 or £50 sterling, and so has spoiled his sale of the same. He craves that the said Patrick may be called to answer for this. On the back “Apud Halrydhouse, xviij Novembris, 1630. Fiat ut petitur, Geo. Cancell*, I. P. D.” Also endorsement of execution by Mr. William Dowglas, macer, on 18th November, against the said Patrick Baxter, personally apprehended; witnesses, James Dowglas, macer, and Alexander Dowglas, son to Mr. William Dowglas, advocate. [Signed] “M. W. Dowglas, maissar.” Also noted on the document “xvij Novembris, 1630, pairtyis personacie; Remittis to the Exchequer.”

8. Fragment of a petition by James [Crichtoun] of Frendraught and Dame Elizabeth Gordoun, his spouse, as follows:—Their Lordships know the malicious aspersions made by Margaret Wode against the said lady and others, the said lady being “a gentlewoman of good birth and qualitie,” and the preservation of whose credit should be of weight with their lordships and “tenderlie handlit.” She therefore humbly intreats that for her vindication and for clearing the truth of “that dark and hiddin mistereye” their lordships would call the said Margaret Wode before them and examine her upon three short interrogatories which the supplicant would hand in. Likewise the said Laird of Frendraught intreats that their lordships would examine John Toshe, his late master of household, putting him to the torture if necessary, and allow the supplicant to be present and examine the said John Toshe, whose declaration so nearly concerns him.

9. “My Lord Proveist, bailleis and counsell of Edinburgh, Unto your wisdomes in all humilitie meanes and shawis we James Hoome, John

"Forsameekle as the Lords of Secret Counsell having by ane act and ordinance of Counsell, bearing dait the first day of Apryle last, found it meit and expedient, concluded and ordained, for certane reasons specified in the said act, that the execution of ane decreit recovered at the instance of the provest, bailleis and counsell of Edinburgh before the Lords of Sessioun aganis certane of their vassallis, inhabitants of the town of Leith, tuicheing their girnelling of victual could be stayed for ane certane space, as the said act beiris; and whereas the tyme of the making of the said act the decreit foresaid of the Lords of Sessioun was not produced nor showne to the saids Lords of Privie Counsell, so that they knew not that the decreit foresaid was anie forder extendit bot to the girnelling of victuall anallerlie, and they having now seene the said decreit and finding manie others points, heids and clauses thairin concerning the liberteis and priviledges of the said burgh, whairwith the saids Lords intendit not to meddle nor to stay the executioun thairof in anie point, thairfor the Lords of Secret Counsell for obedience of his Majesteis missive letter writtin and directed unto thame in this mater hes rescindit, and be the tennour heirof rescinds and annulis, the act foresaid made anent the stay of the execution of the said decreit in the whole points, clauses and members thairof, except in that point foresaid anent the girnelling of victuall, whiche being a mater of State concerning the whole lieges both in the consequence and exemple, altho the decreit be recovered aganis three persouns of Leith, the saids Lords ordains thair former act in so farre as may be extendit, to the girnelling of victuall to stand still in force unsuspendit, and discharge [sic] conforme to the tennour thairof; and allowes the provest and bailleis of Edinburgh.
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to caus putt thair decreit in the whole remanent points thairin conteanit to dew execution conforme to the tennour thairof. Extractum de libris Actorum Secreti Consilii S. D. N. Regis per me, Jacobum Prymois, dicericum ejusdem, sub meis signo et subscriptione manualibus.

(Signed) JACOBUS PRYMROI.

11. Letters of Summons at the instance of Sir Thomas Hope of Craighall, knight baronet, his Majesty’s Advocate, charging James Jordoun of Letterfourie, Margaret Gordoun, his wife, William Fraser of Craigtoun, Patrick Gordoun of Kincragie, James Forbes of Blacktoun, Alexander Irwing of Beltie, Isobel Irwing, his wife, Alexander Leslie in Gowall, Alexander Gordoun, apparent of Carneborrow, John Leslie, sometime of New Leslie, Alexander Leslie of Conrache, Margaret Gordoun, goodwife of Cormellat, William Hay of Potterletter, Lilia Jordoun, his spouse, James Con in Knockemyine, John Gordoun in Cohorrs, and Janet Harper, his wife, who are not only excommunicated by the Church for nonconformity, but are also denounced rebels for their contempt of the said censure for many years, and who, though in June and July last they were exhibited before the Council by Lord Gordoun, and gave caution for either conforming or leaving the country, have returned to their houses and continue in their scandalous life, to enter their persons in ward within the Castle of Blackness within fifteen days after being charged thereto on pain of being held to be traitors, and forfeiture as such.—(Signed) JA. PRYMROI.

12. Summons in the action by the Lord Advocate against William Fraser of Craigtoun, and others excommunicated for Popery which is dealt with by the Council on 9th June 1631 (see ante, p. 231). Signed by “JA. PRYMROI,” while on the margin is marked a note of those present and absent at hearing.

13. Summons in the action against Magdalene Wod and other women charged with Popery and reset of priests—dealt with by the Council on 9th June 1631 (see ante, p. 230). Signed “JA. PRYMROI.” A note of those present and absent is given on the margin, with this addition, “Continewis for Lessindrum.”

14. Acquittance by Mr. Samuel Johnestoun of the Scheanes, to James Prymois, Clerk of Council, for £720, consigned in his hands by Alex-ander Clerk, provost of Edinburgh, as the price of the teinds of his lands of Quhythes, and for £36 as the interest of the said sum from Whit-sunday to Martinmas last: which sum he promises to make forthcoming in 1631 to be dealt with by the Commissioners for Surrenders and Teinds dated at Edinburgh, 28th December, 1630, before the following witnesses, Robert Prymois, son to the said James, John Ritchie, burgess of Edin-
burgh, and Mr. John Callender, servitor to the said James Prymois. Signed by M. S. Johnestoune, and the witnesses.

15. Supplication by the provost and bailies of Edinburgh as follows:—Referring to the rescinding of the Decreet obtained by them from the Lords of Session against certain inhabitants of Leith (see ante, p. 598) they say, "We consaved that your lordships had rescinded and annulit the said totalie according to the directioun and meaneing of his Majesteis letter, but we find be the extract offered unto us that it is onlie restrictit to three personis for debaring of thame from girmelling of victual whilk we tak to be far aganis your lordships meaneing, seeing thir three personis could never clame any forder prevelige in Leethe nor ony others of the inhabitantis thairof. And whereas this restrictioun of the said act leavis a dure oppin to bussie people to hald us in a continuall tormoyle and fashrie, quhairof your lordships hes had some proofis thir yeiris bigane, and seeing we crave no thing bot with the reseruatioun of our libertesi to live in peace and quietnes, our humble petitioun unto your lordships is, that your lordships wald rescind your lordships act forsaiid in the wholl without ony restrictioun conforme to his Majesteis directioun."

16. Supplication by James Hoome, John Luikup, David Robertsone, Mr. John Elphinstoune, Alexander Hay, David Jamesoune, James Johnstone, John Smetoune and Henry Chrystie in Leith for themselves and on behalf of the town of Leith, as follows:—In March last, 1630, the town of Edinburgh obtained a decreet from the Lords of Session "working againes us, the haild lieidges and publique good of this kingdom, cheiflie anent girmelling of victual, baiking bread, buying and selling of forraigne and cuntrey commoditeis as unfrimen and utheris thatairin conteyned." The Lords of Council had cited the supplicants before them on 9th December last only to give account, as they believed, of their proceedings with Edinburgh, but at the instance of Edinburgh the Lords had required them instantly to give in reasons why their Lordships' act made anent girmelling of victual should not be rescinded. Being unprepared, the supplicants could not so fully set forth their reasons as the great importance of the matter required. As the town of Edinburgh are proceeding by petitioning the Council and will also "by sinister inforamation" endeavour to obtain from his Majesty private warrants to the Council for rescinding of their said act they crave leave to present some few reasons "quhy your lordships act cannot be rescindit in no tymen comming butt stand in force for ever," which they pray that their lordships would read and consider and give command to their clerk that whenever there shall be a demand for the rescinding of the said act, he present and read this their humble supplication and reasons herewith produced, and warn them to compear for maintaining the same and adding
thereto as may be necessary. Further, because the Lord Advocate is assessor and daily procurator for Edinburgh, and pleaded against the petitioners in this matter, and daily consults against them; and because Sir James Baillie of Lochend gives partial counsell, and solicited the Lords of Session for obtaining the said decree in favour of Edinburgh; and because Sir Archibald Achesone, his Majesty's Secretary, also gives partial counsell and consults against them, the petitioners crave that they may be declined and removed in all causes betwixt Edinburgh and them according to the laws of this kingdom.

17. "Ressones presented be the town of Leith for thameselfes and c. January 1630. behalfe of the hail ledImage and publique good of this kingdome to the Lordis of his Majesteis most honourabill Privie Counsell of this kingdome againis the town of Edinburghs pettioun anent the reesindinge of the Act of Secret Counsall given be the saidis Lordis against the decreit obtayned be the town of Edinburgh before the Lordis of Sessioun in March, 1630.

(1.) Your Lordships act being most maturlye and deliberatlye, as the said act beiris, and importinge intollerabill prejudice to the town of Leith, hail estait of this kingdome, and the publique good thairof, and the town of Edinburgh compeirand personallie be thair magistrates, as your Lordships can beir record, being dispute contentiously in your Lordships presence, cannot be rescindit, becaus the same was givin in foro contradictorio, and that thair is nothing now propone quhilk was not ressoned befoir.

(2.) It concernes your Lordships in honour and justice and as fatheris of the commounwealth under his Majestie to advert to the gritt prejudice in reesindinge thairof, and to maintaine thait quich your Lordships hes done so adyseydlye and honorablye, being of so gritt importance.

(3.) The said act being so deliberatlye done be your Lordships, quho is intrusted be his Majestie to advert to the prejudice of the hail estait, aucth nat not to be rescindit be no law or ressone or any privat warrand, gif any be procured or heirafter sall be procured fra his Majestie in the contrair for reesinding thairof, quhilk onlie can be done by sinister informatioun of the town of Edinburgh quha is butt ane subject and pairtie againstes the publique good of the hail kingdome, his Majestie never having hard the equitie and importance of the said caus debattit in his Majesteis royall presence be all pairties having entreis, and having doubtsles, as we conceawe, committit the advanceent of the publique good to your Lordships speciall and tender cair, and to resist the prejudice thairof intendit be any persone or subject under quhatsomever pretext.

(4.) Your Lordships act working in favours of the nobilitie, gentrie, communaltie and Leith cannot be taken away brevi manu without lawfull citation to ane certane day to compeir befoir your Lordships to heir and sie the same rescindit or giwe in ressonues in the contrair, quich as
yet is not done be the town of Edinburgh, becaus Edinburgh decreitt extendis be the consequens againes all.

(5.) Your Lordships act cannot be rescindit rather can any medium or suirtie be found to the liidges and publique good of this kingdome without ane declarator againes Edinburgh decreitt and mainteaninge your Lordships act. For gif the said act sall be rescindit and Edinburg only acted to use execuicion be your Lordships advyise, it is impossible that be ane act they can be tyed be ressoune all thair richtis, privledges and decreittis ar conceiwd to proveist, baillies, counsall and communitie, quich all will not consent, nather can the consenter to the act be oblissed butt *durante officio* and not for his successoris and communitie, and so be dew cours of law will annul your Lordships act, as was cleirly pleaded in your Lordships presence the last Counsall day be the magistrates and toun clerk of Edinburgh; lykas they may waitt upon summe extraordinar yyme to tak advantage and gett the Lordis of Counsallis consent, and so your Lordships first and second act sall be utterly extinct and the haill liidges undone; and so thair can be no suirtie gif your Lordships first act be altert or innovat be anie medium butt as it is first conceiwd.

(6.) The said act cannot be rescindit becaus the town of Edinburgh intendis nothing butt the ruine and destructione of many thousand trew subjectis quha lives be such meane commoun cuntrey callinges as baiking of bread, making of malt, aill and beer, toppinge, wantinge and sellinge the same, quho cannot haif the said priviledge except they buy wictual and cannot buy wictual except they be priviledgit to gurnell the same for conservation to the maintenance and use of liidges and strangeris.

(7.) It being lawful be dyvers acts of Parliament to buy and sell wictual, be consequens it is lauffull to gurnell and keip the same, as said is. Wictual being *corpus* must be keiped and defened in ane plaice be the buyeris and selleri.

(8.) It is lauffull be dyvers acts of Parliament that in all troche fairinge toumes thair be hoslaries, innes, fitnourit and entertainement for man and beast, butt so it is Leith being ane of the principal troche fairing toumes of this kingdume for liidges and foraine strangeris cannot haif the samyn except they be priviledgit to buy wictual and haif gurnellis and houses to keep the same for maintenance and entertainment as said is.

(9.) The toun of Leith being ane of the gritteest toumes of this kingdome not tollerate to use the trade and trafficke of burgesses, having na uther maintenance to maintaine thair wyfs, childrei and familie quich wald sterve gif they were debarred fra buying wictual, baiking bread, making malt, aill and beer, toppinge, wantinge and sellinge the same, quich they ar be consequens and *revers*, gif they be not priviledgit to gurnell wictual.
(10.) The said act cannot be rescindit becaus the town of Leith has ever been in peaceabill possessioun, sence ever it was a town, to buy and sell wicctual and girell the same, baik bread, mak malt, aill and beer, top, went and sell the same, and the pretendit warrand of this decreit is ane alledgit strayne kynd of wreeit alledgit granted be one of the Lairdis of Restalrig, not subs cryvit be him, not having witnesses, contaynyngie no holding nor dewtie.

(11.) The said act cannot be rescindit becaus not only the town of Leith hes ever been in peaceabill possessioun heirtfoir, but the same was niver cryvit or urged be Edinburgh sence the granting of the said pretendit warrand of the said decreit, quhilk is abowe tua hundreth yeiris sence, and so being dead so long cannot now tak effect in pre judice of the town of Leith, the haill stait and publique good of this kingdome.

(12.) The said act cannot be rescindit becaus if we be not sufferit to girell wicctual, baik bread, mak malt, aill, beer, use hoslarie, top, went, buy and sell the same per consequens we are defrauded of buying of wicctual, because by and attour our sustenance we offer to prove we buy and wentis yeirlye within the said town sex and fyiftie thousands bowis of wicctual, quhilk will infer not onlie ruine to us butt intollerabill prejudice to the nobilitie, gentrie and haill lidges of this kingdome, being defrauded of the seall of the pryme commoditie.

(13.) The said act cannot be rescindit becaus giff Leith be dischairgit of girelling, be consequens of buying, and so the pryme commoditie of wicctual sall be monopolized aganins the lawes and publique good of this kingdome and the seall of all wicctual coft or sold in Leith to fywe or sax wicctual moneris of Edinburgh, and so they sall inforc all men to sell at such cheape rates as they pleas and exact exorbitant prycies fra the buyers quhen they pleas and consequentlie mak ane artificial deairth and cheapnes at their pleasure, in regaird nain may girell butt the wicctual moneris of Edinburgh, and so consequentlie no buying to utheris allowit.

(14.) The said act cannot be rescindit becaus the act of Parliament allowes girelling of wicctual except to ane deairth, quhilk act of Parliament is posterior to the servitude granted be the Laird of Restalrig to the town of Edinburgh, and the commissar of the town of Edinburgh being ane voter in that parliamant as in all uther parliaments, butt any restrictioun of the servitude grantit be the Laird of Restalrig to the town of Edinburgh over the town of Leith.

(15.) Gewand and no grantand the said act were rescindit the extensioun of their decreit cannot be extendit butt over their awin wassalis and the tuo pairt of the town no being their wassalis sould be exemptit, quhilk is not now be their decreit obteyneyd befor the Lords of Sessioun recalled be your Lordships ordainance.
If Leith be prohibited from storing victual, Edinburgh would dictate its own prices to the nobility and gentry who have victual to sell.

To prohibit Leith from storing victual would be to prohibit it from baking bread, which would be against all law and conscience.

It is lawful for Leith to import foreign victual for its own use and to sell it to its own burgesses.

The right of storing victual is enjoyed by the whole kingdom and should not be denied to Leith.

By the rescinding of the act not only Leith would suffer but all the rebels.

(16.) Gif the said dischairge of girthelling were allowit agaisses the toun of Leith the bringeris of wictuall to Leith, having no privilged to girth wictuall butt under the privilged of Edinburgh, and the toun of Leith being forcit to imploy their girthell houses to fyire houses and other uses and the girthellis of Leith being in the handis of the toun of Edinburgh, they sould inforse the nobilite and gentrie, be keipin up of their girthellis, to sell their wictuall as they pleas, at least be the paucitie of their girthellis and deearth of their weekelie pay for the same exhaust the hail benefitt of their pryme commoditie of wictuall.

(17.) As for the baiking of bread the said act must be sustaine be the ressounes afoirsaid and be par ratio as in matter of estait it is laufull to us to baik bread and sell alsweill as to mak malt, ail, beer and sell the same; and to dischaire the baiking of bread in Leith to be sold for use of liedges and straingeris is agaisses all law, conscience, the law of nationeus, and is inhumanitie, the lyke practique quhairof is not in this kingdome, in regard that ewrie man of Leith is not abill to give meit for nocht, and to give al men qua neidis, nather can ewrie passenger, strainger or inhabitant, speciallie the poor that hes not to maintaine their childreine and familie fast and want bread till they go to Edinburg and buy it.

(18.) As for tradinge as unfriemen with forraigne commodities it is laufull to us alsweill as straingeris to bring home in gritt and sell the samyen to burgesses allanlye and to our awin uses and not to keip the same, paying unfriemens custome as ever heitfofor we have bein in possessiouin, and is competent to us as natives, and we offer us to prowe naywes hurtfull to the burrowes but profitable to thame and the hail estait of the kingdome; and as for cuntrey commodities it is licentiat to us to buy to our awin uses and to buy and sell to uthers speciallie of cornes, bread, wiberis, collis, pettis, lyme, sklaittis, wol, bestial, cuntrey claith, meill, malt, flour, tymbre and such lyk.

(19.) The toun of Leith cravis no moir privilged of girthelling of wictuall, buying, making and selling the foirsaid commodities butt such as is usuall to all the kingdome and speciallie to all fiewaris and wassallis of uther landislordis, quhilk meikle moir aucht to be granted to Leith, being the principall sea poit and staple of this kingdome.

(20.) Gif this act be rescindit and thir privilgeds not allowed to us quhilk is meirlye competent to us as natives and not hurtfull to the privilged of burrowes and ar meer materis of estaitt, the publique and hail liedges in generall ar grittlye prejudgit, the toun of Leith consequentlie, and sall be forced to turne thowsundis of stronge idyll beggeris agaisses the actis of Parliament, quhilk we pray your Lordships to tak to your nobill consideratioun.

Repeittis the ressounes produced heiranten to your Lordships in the moneth of July last heirwith produced,
And protestis that we be hard vis à vis in your Lordships presence in the discussinge of the resounes to exhale and maintaine the same according to equitie, and that it sall be lawfull to us to eik, reforme and add moir resounes as necessitie requyris, and to this effect to be wairnit to ane certane day.

Ressounes given in to the Lordis of his Majesties most honorabill Privie Counsell of this kingdome be the nobilitie, gentrie and Leith, aganies the town of Edinburgh concerninge the dischairsinge the inhabitantis in Leith frome all ginnelling of wictuell, etc.

Item—That your Lordships may the moir easilie forsee of quhat daungerous consequens this thair project is lyk to provwe not onlie to the nobilitie and gentrie butt unto all the rest of the burrowes and to the hail commounes in the kingdome, yea and to all their awin craftismen and inhabitantis of Edinburgh, it will pleas your Lordships to considir of these few resounes followinge.

(1.) It is aine maxime infalliblie approved by daylie experience that the multitude of buyeris and selleris of any commoditie will mak the mercattis of best advantage to these that haife occasioun to buy or sell. Now the number of the town of Edinburgh wassalis in Leith that trade with all sort of wictuell being about ane hundreth persons beyidding their families and servandis, and the burgesses of Edinburgh that trade in this kynd thair not exceedinge the tent part of these others, the prejudice of the restraint is manifest not only by the foirsaidis oys of number, quich is werie considerabill, butt also by the gritt iniquitie of the burgesses of Edinburgh daylie practises upon assurance of impunity, because the town of Edinburgh hes the escheatis of all regratersis and foirstallers within their friedome dispooned to thameselfes with power to judge upon all suche crymes, etc., in their chairtour, 1603, and in the act of Parliament ratifyinge the samyen.

(2.) Notwithstanding the declaratioun maid by the town of Edinburgh ather befoir your Lordships or the Lordis of Sessionoun allowinge us libertie Edinburgh to hyire ginnelleris in Leith for our awin wictuell, the nobilitie, gentrie and commounes ar heavilie prejudgig gif the town of Edinburgh wassalis and all the inhabitantis of Leith sould be debarred of the libertie of ginnelling, becaus by that meane they of Leith ar indireclye and by necessary consequens dischairsed all buying of wictuell frome us, quhilk is allowed be the lawes of this kingdome to all his Majesties lieges, and so we sall be forced to sell our wictuell to ane few number of the burgesses of Edinburgh at quhat rate they pleas, and they having maid this monopole of our pryme commoditie sall went it out againe at the dearest rates to the rest of the lieges.

(3.) Not only the nobilitie, gentrie and commounes may be damnified All the burghs from Leith to be the said dischairs of ginnelling notwithstanding the afoirsaid declara-
tioun butt all the burrowes of the kingdome also frome Leith to Orknay and frome Orknay to Striviling, quho haif bein aways in use to buy barganes of wictuall frome us and transport thame to Leith as the cheife mercatt placie for wictuall in this kingdome, gif quhen the wictuall they bring and buy frome us to Leith the inhabitantis thairof haif not libertie to girenell the wictuall quich they may laufullly buy fra thame, speciallie considderinge that the tooun of Edinburgh hes pretendit decreittis, 1518, recovered befor the Lords of Sessioun bearing wictuall to be staple goodis, lykas the letters of horning quich ar found ordourlie proceidit in their favoures, quhairof we now complace, mak also mentioun thairof, and so nather we nor these other burrowes being frie men may dispone upone our wictuall within their friedome butt to their burgesses and at the least we sall be forced to transport our wictuall to Leith upone our awin hazard and under their reverence to be wented out in small quantitie to their wassalis over quhome they may impose such actis and bylawses as may mak all our wictuall altogetidder unprofitable to us as they doe the landwert aill in Edinburgh.¹

(4.) And as the rest of the burrowes of this kingdome so all the craftismen of their awin corporatioun of Edinburgh and uther induellaris thair sall be pitifullie prejudgit by this ingresseinges of the seall of wictuall to the burgesses of Edinburgh, for all these tradesmen and utheris not having meanes to buy any gritt quantitie of wictuall togidder for the interteanement of thair servandis and families butt having recourse to their ordinarie veeklie mercattis, whairin these few wictuall mongeris of Edinburgh sall haif in thair powar to mak ane artificiall dearth, sall be forced to buy thair daylie foode at exorbitant rates, and all the commoundes of the kingdome, speciallie these of the west country that ar in use to buy thair sommer wictuallis sall ather returne emptye without wictuallis quich they come to bring thence frome the most remote pairtes of the kingdome as they wer seine to haif done this last sommer, quhen four or fyve hunldreth horses were returned home frome Leith in ane veekie without the wictuall they came for, and that by these merchandis of Edinburgh closings up thair girenell whairin they had stoire of wictuall, or else sall be constrained to gieve double pryce for it by such alichtis and trickis as the saidis merchandis ar knawen ordinlarlie to use quhen they, having stoire of wictuall in thair girenellis, they cary but ane little quantitie thairof doune to thair selliers at once and so making the cuntrey pepill beleiwe they haif no moir to sell at that tyme doe crafitlye compell thame to give quhat pryces they pleas; whairas gif all the inhabitantis of Leith had the priviledge of girenellng and selling as abefoir this fraud wald not be committed.

(5.) If the inhabitants of Leith are forbidden to girenell and sell wictuall in Leith they sould be dischairgit girenellg of wictual in Leith they will be

¹ At the foot of the page here is written "Read the uther syde within."
forced ather to suffer thair hosees to decay or to imploy thame to some other use or else to sell thame to the town of Edinburgh at quhat rate they pleas. So that the nobilitie, gentrie, commounes and utheris foir-
saidis saibe altogether prejudit of girenillis and consequentlie forced to sell thair wicteall to the merchandis of Edinburgh, who refuses to sett thair girenillis to noblemen and utheris under pretext of having impoyed thair hosees to uther uses, quhairy the town of Leith being dischairgit girenelling, the town of Edinburgh sall haife the sole powar of girenelling conforme to thair infeftment, 1603, quich howsoever they wald seime to pas frome yitt ar we still in dainger of thair practises in so far as thair offeris to the noble men and utheris within the shirefdom of Edinburgh concerninge that infeftment, 1603, doe beare that thair is nothing conteyned in that chairtour quich is not ather conteyned in thair old infeftmentis and decreteis given in thair favours or uther former grantis maid to thame quhairof they were and ar in possession or the lyk thairof grantit to uther burrowes and uther privat subjectes and ar injoyed by thame.”

18. “At Legatisden the threttie day of Janwar jvii thetrettie ane 13th January yeiris.

Qhilk day Elizabete Strathachin, Lady Blakhall, being demandit be ane nobill and potent lord, George, Lord Gordon, etc., of the pointis underwriittin, maid anser as followis:—

Primo—Being demandit at quhat tyme Margaret Wood wes last in hir house, anserer—About the tuentieth of October last, at quhiche tyme Normond Lesly and his wyff war thair also.

Secundo—Being demandit quhither Normond Leslie or his wyff, or ony uther, hard at that tyme any discours of the birneinge of the hous of Frindacht, anserer—That at that tyme to hir knowledg or heiringe, rather thay nor no other in thair hous hard any discours of that busines; nor did scho ever speik of the said purpose to hir nece.

Tertio—Being demandit, Quhat commissione the said Elizabeth Strathachin gew at that tyme to Margaret Wood to be delyverit by hir at hir southe going to George Spens, anserer—That scho nether knew of the said Margaret hir goinge southe nor delyverit ony commissione at all nether to George Spens nor no other.

Lastlie, being demandit—Quhat moneyis the said Elizabethe Strathachin gef at that tyme to the said Margaret Wood, anserer—Nocht one penny.

Also the said Elizabeth Strathachin affirmes that the said Margaret Wood mowet hir to go to hir motheris hous quyair scho intercedit for the said Margaret at hir motheris handis, quha (at hir desyre) was contentit to receawe the said Margaret in hir hous at Mertimes last; quhiche beinge reportit by hir to the said Margaret scho refusisct the
offer alleaginge that scho was already feit with the Laird Ranystoun for this winter. So as the said Elizabeth Strathauchin [expectit] no way the said Margaret Woodis goinge southe in regard of the premisse. In testimony quhairof the said Elizabethe Strathauchin hes subscrivit thir presentis, wrettan be Johne McKiesone, notar publict in Innerwrie, day, yeir and place forsaide, befoir witnesses, George Gordone of Newton, Mr Allexander Ross, minister at Inche, and the said Johne Makiesone, writter. (Signed) Elisabeth Strachan, G. Gordone, witnes; M. A. Ross, witnes; J. Mackiesone, wreitt, witnes." (Endorsed) "Declaratone, Elizabeth Strathauchin for cleiringe of hir self against the assertiounes of Margaret Wood."

19. "... (torn) ... and ... the yeir of ... sex yeiris respective in tua severall courtis haldin within the tolbuith thairof be James Young, bailie depute of the regalitie of Kirklistone, besowth the Vatter of Forth, comperit personallie Adame Craw in the kirkland of Eglismaichen within the said regalitie and gaif up the inventar of his moneyis addettit to him and that for the first and second terms payment of the extraordinar taxatianne grantit in the moneth of October, 1625 yeiris, as followis.

The Inventar for the Vitsonday and Mertemes termes respective followis for the first and second termes payment of the said extraordinar taxatianne as it ves giffin up be the said Adame Craw, his sith being takin, of his said moneyis addettit to him be the persones efterspeicfite they ar to say—

Be James Cleland in Nudrie .... iiij merkis
Be William Bell at Vinchbruchis Mylne .... j merkis
Be Andro Samuell in Nudrie .... j merkis
Be Thomas Yong in Vinchbruch .... ii merkis
Be James Gray in .... j merkis
Be Robert Craw in .... j merkis
Be Robert Craw in Dudingston .... ii merkis
Be William Reid in .... j merkis
Be Johne Duncane in .... j merkis
Be Johne Dick in .... j merkis

Summa .... j"m"iiij merkis

Ilk termes payment of the said taxation, xlvj s. viij d.

is for the tua termes payment forsaide .... vij merkis

(On the margin) Frie 1400 merks. Extraordiner taxatioun fies deduecit, 44s. 4d.; 2 termes, 44s. 4d.

I Thomas Thowms, clerk of the regalitie, do testifie that the inventar forsaide is just and trew as the samyn ves gevin up to me and no thing omittit furth thairof to my knowledge, as I sall anser to God. Subscrivit with my hand as followis: And also I declair that at the terme dayis particularlie abonementonat their comperit no uther persone nor
persons that rat nor at no uther tyne thairefter to gif up inventarisy of onie moneyis lent by thame as I sall [ansuer] to the grit God. Be thir presentitis, subscribit with my hand at Halyrudhou the xviiij of Januar 1631. (Signed)

THOMAS THOWMS.”

20. Extract of the Act of Council giving commission for the receiving of inventories of lent money, printed ante, p. 126. (Signed) “JACOBUS PRYMBOIS.”

“Halyrudhou primo Februarij 1631.

21. “Sir George Ogilvie of Bamff, reexamined anent the speeches that past betuix him and Johne Meldrum in Legetaden the night before the burning of Frendraught, deponis that after Johne Meldrum had shawne to the deponer that thair wald be ane evill turne done to Frendraught and that he wald be brunt, the deponer desyrit Johne Meldrum to continew till the morn at nyne hours to [the] effect he might know if he could haif ane assurance from Piteaple and then he wald do Johne Meldrum his turne. Qhaurunto Johne Meldrum anssuerit—Your bussyness may stay for a tymbe bot myne can ressave no delay. Demandit—if he hes hard tuitcheing Johne Toshe, deponis that he is informed that in all places qhaur Johne Toshe hes duel he hes ever kythed to be evill conditioned and a sylme youth, and that if the hous was brunt be these that wer within he wald suspect Johne Toshe to be the actor rather then ony other, bot knawis nothing of his guiltiness of that fact.

Robert Wilsoun, servitour to Johne Meldrum, demandit—Quhen he was last in Frendraught, deponis, He was not in Frendraught since the Laird come to Johne Meldrum house to seik him and toeke the deponer out and carryed him away to the place of Frendraught, quhair he was keept frome eight of the cloke in the morning till four at night. Deponis he spake with Johne Joyse and William Beulie, and that he saw Johne Toshe quhen the Laird light who boasted the deponer; and denyes that ever he spake with Johne Toshe except that tymbe since Johne Meldrum toke away Frendraughts hors.

Robert Spense, sworne and demandit if he knawis Patrik Barclay, deponis he knawis him and that he mett with him laitlie who reported to the deponer that the Fryday before the burning of Frendraught, he being coming out of Turreff and forgaddinger with Robert Wilsone, servitour to Johne Meldrum, Patrik Barclay, having demandit of Robert Wilsone qhat newes he had and if his maister wes satled with Frendraught, Robert Wilsone anssuerit that thay wer not aggred and that within twentie four houres the highest stane of Frendraught wald be the laighest. And deponis that the Laird of Haltoun wrett to the deponer.
and shew him that he had spokin with Robert Wilsoun and fand him to be a knaif and that he wald give grite (light) anent the authouris of the burning of Frendraught if he wer weele examined. And deponis that Patrik Barclay said to the deponer—if yow will come to the kirk of Achterles uppon Sunday I will tell yow more of the bussynes concerning the burning of Frendraught, whiche dyet the deponer kept not, being loath to ingadge himself in suche kittle bussynes.

Gilbert Milne, sworne and demandit quhat he hard Patrik Barclay [say] concerning Robert Wilsone deponis—that being latlie at the milne of [torn] . . . he hard Patrik Barclay declare that the Fryday before the burning of Frendraught, forgardering with Robert Wilsone, he demandit of him if Pitcaple and Frendraught wes satled, and quhat newes he hard of thame, and that Robert Wilsone ansuerit—Yow will heare strange newes of Frendraught, for within twentie four houris the heighest stane will be the lowest.

Robert Wilsone, sworne and demandit quhat speeches past betuix him and Patrik Barclay some dayes before the burning of Frendraught deponis that he hes not beene in termes of speece with Patrik Barclay this yeir bigane, bot that upoun the Thursay before the burning, the deponer being ryding to Cowane fair, he mett with Patrik Barclay who had his wyffe behind him, and that sho demandit of the deponer in what estate James Leslie wes, who ansering that he wes ill hurt in the arme, sho said, “The devill be at the hart of thame that did it” [quhen] the deponer said—“Amen,” and denyes that he had ony further speeches with him, and that he spak not at all to hir husband.

George Spence, examined anent the forme and maner of the burning of the house of Frendraught, deponis that he wes walkened by [a] cry of fyre, and that apprehending the danger of James Grant his [couseing?] he come out with his sword in his hand, and the first thing he saw wes the fyre comeing out of the vault, quhairpoun the deponer went to the vault dure and saw all in fyre there, and that thair wes some gird-stangis in the vault whiche cracked and lap alongs the house, and depones that thairafter he went up to the Lord Melgums chalmer •bot could [not] find him, nether saw he ony fyre in the Lordis chalmer bot smak, and that he having gone bak the secund tyme to the Lord Melgums chalmer the Lord Melgum wes gone abone, neither did he sie ony fyre at that tyme neither nor for halff ane hour after, and is [of] opinion that the Lord Melgum wes suffocat with reik before the fyre approchit.

Thomas Jose, examined, deponis that he wes not [in] the vault [after?]1 sex of the clok at night, that he wes taking out meill. Deponis that the kist that wes brunt wes oppin without ony thing thairin, the me . . . being taken furth thairof a moneth before. Deponis he opinit . . . tranc . . . and saw the fyre in the vault and . . . wes

1 The document is somewhat mutilated,
fyr the house. Deponis that he had the [keyes] of the Toshe had ever the use of it as his bus[synes] requirit.

Magdalene Innes, examined, deponis sho lay in the chalmer quhair the Laird lay and that upoun the cry of fyre the Laird raise and patt on his doublet and his breeches and that the lady went doun to the close with hir night goun in hir hand apprehending that the barne yairdis was fyred by James Grant.

Dame Elisabeth Gordoun, Lady Frendraught, compeirand this day the Lordis allowis hir to go home.

James Creichtoun of Frendraught, demandit quhat he knewis of the coffer that wes fund be Mr Harye Seatoun and quhat wes thairin. deponis he knewis nothing of the bussynes, and denys the geving of any coffer in keeping to the greffis wyffe, Jonet Moriesone.

George Spence, demandit quhat he knewis of a coffer fund be Mr Harye Seatoun at the foote of a tree the day after the burning, deponis he hard by report that Mr Harye had fund suche a box, quhhairin thair wes pearlingis and some other little thingis.

The Lady Frendraught, examined anent the cofferis, deponis thair wes a box fund oppin be Mr Harye Seatoun quhhair in thair wes nothing bot draught peices of perling and other trashe, and denys that ever sho gaif a coffer in keeping to Jonet Moriesone.

Captane Peter Rollock, examined anent the box, grants that he kuist by appearance some had stollin it up and carryd it to the yaird and brokin it upoun hoip to haif fund some grite mater thairintill. [On the back] The Laird and Lady Frendraught and some of thair domestiques, primo Febrarrii, 1631. 36.

Edinburgh, secundo Febrarrii 1631. Edinburgh, 2nd February

Præses; Privy Seal; Wyntoun; Linlithgow; Galloway; Seafort.; 1631.
Lauderdaill; Gordoun; Melvill; Traquair; Secretary; Advocate;
Justice Clerk; Sir John Scott.

"Margaret Wode demandit—Fra whome she receaved the fourtie and dollouris, deponis, she stelld thame out of the Laird of Frendraughts bulget. Demandit, By whose seducement sho maid the depositor aganis Pitcaple, deponis, That sho maid the discourse of hir self to George Spense, and that after the Lady Frendraught and Bamff had caused bring the deponer over the watter to this toun, sho being wairnit by a meassour to compeir before the Counsaill, the deponer went to the Lady Frendraught and George Spense and said to thame, "For God sake lett me not go before the Counsaill, for I will not haif a face to speik a lee of these whome I never saw, and if I be confronted
with the pairtye it will cost me my lyffe." Quhairunto the lady ansuerit, "Thou is a unhappie las. Be not fled. Byd be the thing thow hes said. I sall warrand the." And deponis that Cristeane Chalmers was present showing a much quhen the lady spake the wordis. And deponis that quhen sho wes coming dow to the Counsaill, sho having said to the Laird of Freendraught, "Sir, I feare I gett evill if I go before the Counsaill, I pray yow, Sir, see that I gett no harme"; the Laird ansuerit, "I sall send four men with the, and if thay will not serve I sall send sex men and thay will bring yow saulfelie bak"; and said to his servandis, "See for your lyffe that yow come not bak if yow bring hir not bak agane." Demandit who caused hir mak the discourse aganis Pitcape, deponis, that sho told George Spence that sho had hard all these speeches be report and that the Lady Freendraught and George Spence, the Weddingsday after sho come to the toun in the ladye chalmer, Cristeane Chalmers being present, they bad the deponer say that sho saw all with hir eyne whiche sho had only hard by report. Demandit—fra whome she recceved the dollouris, deponis that after she come over to Edinburgh, being feared to compeir before the Counsaill, she maid tua three eshaipe dow the stair, and being ever brought bak in end the deponer said to the lady, "I wee nather profe nor witnes to the burning of Freendraught nor wees never in Pitcape but once at my sister and I cannot mak a lee upoun thame quhome I never saw without a warrand".

1 The lady said to hir, "Be not dasht before the Counsaill bot say . . . that thow saw with the eyne that whiche yow hard and specialie that y[ow ga]jif Richard Mowatt his supper, and that the [sic] becaus thow may do . . . ed to us and to thy self. Byd be the deposition"; and thairupoun [the la]dyy take out a number of dollouris and gaff the deponer and said to hir, "[This] salbe bot a token of what thow sall receave"; and deponis that sho receavd the dollouris upoun the Weddingsday at nyne houris before sho went . . . . . . . Earle of Menteathis, and that about . . . . . . . . . . . . and delieverit twentie tua of the dollouris and upoun the morne sho delieverit all the rest to Elisabeth except sex whiche sho keepend in hir purse. And deponis that the day that the deponer wes to be put to the tortour Captane Rollok being standing at the Counsal house dur said to the deponer, "Weele, will thow speye ony thing agane the lady. The lady salbe alseone before the Counsaill as yow," whiche maid the deponer to conceall the treuth and mak all the leys whiche sho maide. Deponis quhen sho receaved the dollouris fra the lady thair wes none present. Deponis after sho wes committed John Leslie of come in to the tolbuith to hir and said, "Woe is me, for thy mother doghter, who hes braght the heir?" Quhairunto the deponer ansuerit, "The plague of God upon thame that braght me heir." And he having demandit who it wes, sho roundit to him quietlie that it wes the Lady Freendraught; and
deponis that sho having deseyrit Johne Leslie to come and speik with hir the morne he keept the appointment, quhairupon she had told Johne Leslie that the Lady Frendraught was the cause of hir trouble. Sho cryed aloud out to him in the hearing of all, "Cause tell Fren- draughtis folkis that if they tak me not out heir quicklie I will cause thame all stand quhair I am"; and deponis that Bamff maid many promises to hir and said it could be the best voyage ever sho maid.

Johne Leslie of Artoune, demandit quhat speeches past betuix hir [sic] and Margaret Wode, deponis that the night that Margaret Wode was committed he, having at her desyre gone up with [hir] and demandit who had broght that trouble upoun hir, she said in the hearing of Johne Baird, Johne Whyte and William Carmichaell, that was moved to say, "All be the Lady Frenдраught and her servandis"; and deponis that upon the morn after, he having at hir desyre gone in to hir she in the hearing of Johne Whyte, "Caus the Chancellour bring me to the Counsell and I will declare the treuth of all."

Johne Whyte, demandit quhat he hard of the speeches betuix Johne Leslie and Margaret Wode deponis that he hard, Cure these that had broght hir in trouble, and that sho said that it was the Lady Fren德拉ught that was cause of it.

William Carmichaell deponis he hard Margaret Wode say in the tolbuith the first night [sho] was committed, that the Lady Fren德拉ught had caused hir speeke . . . . that sho had said.

The Lady Fren德拉ught, examined and demandit if sho desyrit Margaret Wode to byde be all that sho had said, deponis sho desyrit hir to byd be it according to the treuth for it wald come before a heigher Judge. Demandit if she bad Margaret Wode say that quhat sho had hard by report sho should say sho saw with hir eyes, and speciallie that sho gaff Richard Mowatt his supper, denys the same upoun hir oathe, affirming that she only desyrit hir to stand to the treuth of what sho had declared, and denys that ever Margaret Wode said that sho had maid a lee and that it wald be fund, bot be the contrair the deponer desyrit hir ever to tell the veritie. Demandit if she gaff ony dollouris to Margaret Wode denys that ever sho gaff ony dollour to Margaret Wode either directlie or indirectlie bot only tua sexpences that sho gaff hir; and deponis that Cristeane Chalmeris having fund some dollouris in a napkin under Margaret Wodes bedhead upoun the Thursay in the morning that sho was examined, Cristeane told not the deponer thairof till the afternoone.

Cristeane Chalmeris, demandit quhen sho told the lady of the dollouris that sho fand under Margaret Woodes bedheade, depones she told not the lady immediatlie bot told hir that day.

Cristeane Chalmeris, sworne and demandit if sho hard the Lady Fren德拉ught and George Spense bid Margaret Wode say—That sho had seene with hir eyes that whiche [sho] declared sho had only hard by
report, and particularlie that sho had gevin Richard Mowatt his supper that night he come home to Newmiln, and that sho should be in no danger for doing it, denies the same to be of veritie and denies that ever sho hard the lady or any other desyre Margaret Wode to speake ony thing bot the treuth.

James Creichtoun of Frendraught sworne and demandit if Margaret Wode said to him that she was feared to go before the Counsaill least she sould gett harme, denies that ever she spake sic wordis, bot on the contrarie that she wes over confident; and grants that he directed his servand to attend hir to the Counsaill to the effect none might speeke with hir, bot denies that ever he commandit his men not to live hir bot to bring hir bak upoun the perrell of thair lyffes.

Capitane Peter Rollok sworne and demandit if he said to Margaret Wode the first day she wes to be tortoure that if sho spoke ony thing aganis the Lady Frendraught that the lady wald be broght down to the Counsaill to cleare it, grants that he spak the words to hir at the Counsal hous dur bot remembris not of the tyme and day.

George Spense sworne and demandit if Margaret Wode said to him and the lady that sho had only hard by report the discourses aganis Pitcaple and that they bad hir say that sho had seene with hir eys that whiche sho had only hard, and speciallie anent the geving of Richard Mowat his supper, denies the same to be veritie, and deponis upoun his oat that they never required hir to speake ony thing bot the treuth, and that sho never spake sic wordis as sho depons tuitcheing her leing.

Margaret Wode, re-examined and demandit anent the moneyis, deponis that sho having shawne to the lady hir feares to depone before the Counsaill the lady tooke hir into the bak chalmer and tooke out a number of dollours out of hir pocquet and gaif hir saying—"This salbe nothing; it salbe the best voyage ever yow maid, and say and byde be it that yow saw all with your eye, and was present and gaif Richard Mowat his supper." Depones that she was directed and informed be the Lady, the Laird of Bamff and George Spense, of every word that she deponit, and affirms that she said to the Laird of Bamff, "If I go to ward, yow sal go with me," and Bamff anserit, "I care not to be in warde with yow." Demandit, how many neiffis full of dollours she receeved fra the lady, deponis, three neiffis full, and that the lady called hir bene to a chalmer and gaif hir thame quietlie.

The Lady Frendraught, being confronted with Margaret Wode and demandit anent the treuth of the speeches and delverye of the dollurous, denies the same upoun hir grite oath to be of veritie.

Margaret Wode, demandit if before hir examinatioun sho said that sho had bene delt with be some of hir friends of goode qualitie to pas frome all sho had said and that thair wes goode deid promised hir to do it, grants that sho spake sic wordis bot denies that the same wer of treuth or that ony goode deid wes ever offered or promised unto hir.
The Lady Newtown, elder (Williamsone interlined), swore and demandit if she deyryt Margaret Wode to byde be the wordis she had spokin and she wald tak Margaret Wode home to hir in service, denys the same to be veritie.

Margaret Wode deponis that a las callit Crawford, servitrix to Robert Keyth, having come to the tolbuith with meate to John Crawford, his brother, and the deponer understanding quhair shio duelt, the deponer said to hir, "Tell the Lady Frendraught and thame all, and bid thame mak for my releiff, or otherways I vow to God I will tell the veritie of all . . . . . . . . . . . . . . . . . . . . . . " The las, having thairafter come bak to the tolbuith, she said to the deponer that they werie carefull of hir releiff and that the Laird of Frendraught had spoken all the Lordis for hir and that she wald never be broght agane before the Counsaill, and deponis that Kathene Boyd hard the speecies.

Kathene Boyd, swore and demandit what speecies sho hard betuix Crawford and Margaret Wode, deponis sho hard Margaret Wod bid the las tell the Lady Frendraught that if sho gatt hir not out of waird sho wald tell the veritie of all that wes past and thairafter sho hard the las report to Margaret Wode that they [sic] bussie to geth hir out, and that sho wald not be broght agane before the Counsaill.

Margaret Hunter, servitrix to Robert Keyth, deponis that their being a woman in Robert Keyths house, callit Agnes Fraser, with whom Margaret Wode was acquainted, and this woman having removed out of this house, Margaret Wode send to Robert Keyths house for Agnes Fraser and deyryt hir to come doun to the tolbuith to hir to the token that she had receaved fra hir a silver lace for hir arme and that sho had gevin to Agnes a point and a sexpence. Quhairpoun Robert Keyth and his wyffe caused the deponer to go doun to the tolbuith and to say to Margaret Wode that she wes send to hir fra Agnes Fraser to the token that hir gifte had past betuix thame. According quhairunto the deponer went to Margaret Wode who said to hir; "See that yow betray me not"; and send hir to Craigmowdis dogtheris with direction anent hir cloathes and to deyre thame to come doun to hir, and gatt halff a dollour for hir panes.

Elisabeth Crawford, sworne and demandit if Margaret Wode send hir in commission to the Lady Frenbraught for to procure hir releiff and that sho brocht bak ane answer that the Laird wes speking the Lordis for [hir] and wald never be broght agane before the Counsaill, denys the same to be veritie.

Sir George Ogilvie of Bamff, knight, sworne and demandit if ever he promeis goode to Margaret Wode to byde be hir depositiou, deponis that he said to hir that she wald gett goode deed if sho mad true all that she had spokin, bot denys that ever he promised hir goode deid; and deponis upoun his oath that he beleived truelie that Margaret Wode had duelt in Pitcaple. Denys that ever Margaret Wode said to him, "If I be put in waird, yow salbe als soone thair;” bot grantis that he hes hard
Margaret Wode say that shoo was efrayed to come before the Counsaill and that shoo wald not care if shoo had ony man of . . . . . . . with hir qhoom shoo knew, and that shoo spake this . . . [torn] . . .

Margaret Wode being putt in the tortour of the boittis, sworne and demandit if the Lady Frendraught, the Laird of Bamff and George Spense bad and seduced hir to say that qhato shoo had only hard by report that shoo should depone that shoo saw it with hir eyne and that shoo duelt in Pitcaples house and gaif Richard Mowatt his supper the night of the burning, and if the Lady Frendraught gaif hir three neiifs full of dollours to mak suche false depositionis, the said Margaret being in the sufference of the tortur deponit upon the salvatioun of hir soule that all the foirsaid questionis is true and of veritie.

The said Margaret Wode being releived out of the tortour and the saids questionis being agane moved unto hir and shoo demandit anent the treuth thairof, shoo continewit constant in hir deposition affirmaing and swearing that the Lady Frendraught, the Laird of Bamff and George Spense dealt with hir and seduced hir to say that shoo wes in Pitcaple and gaif Richard Mowat his supper that night he come home, and that Bamff maid fair promises to hir that [shoo] should never want and that it should be the best voyage ever shoo maid; and that the Lady Frendraught gaif hir three neiiff full of dollouris in hir chamler to stand and abyde at the depositioni. And the said Margaret continewit constant in the depositioni both before the tortour, in the tyme of the sufference of the tortour whiche wes ministrat unto hir in the presence and sight of the Lady Frendraught, and lykewise after shoo was releived furth of the tortour. (Signed) Monteith, Hadinton, Wintoun, Linlithgow, Galloway, Seafort, Lauderdaleill [J. Eras]kyne, Melvill, Traquaire, S. Thomas Hope, Arch. Acheson, S. G. Elphinstoun . . . . . . [torn] . . . . . . [on the back] Margarett Wode, Frendraught, his lady and otheris. 2 Februrary 1631."

23. Supplication by Dame Elisabeth Gordoun, Lady Frendraught, as follows:—"Margaret Wode after muche varying, contradicting and menswearing of hir selff anent the treuth of the whole pointis quhairupon she was examined, in end in hir accustomed leeing humour sho hes layed the burdyne and blame of hir seducement and bryeing upon me and otheris, and hes ratified hir deposition thairenant in hir sufference of the tortour. And quhairas God is my witnes and my conscience beareth me record of my innocencye of all that quhairwith sho hes charged me, and that I never delt with hir to depone falslie or gave hir goode deid for that effect, yitt in regard of the prejudice whiche hir deposition may work againe me in the opinion of these who ar not acquented with the humour of the woman," she craves that their Lordships will appoint some of the ministry to deal with the said Margaret Wode, adding, "And I doubt not bot God in the power of his
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Spirite and by the ministerye of his servandis will work hir hart to a
confession of the treuth and hairtie resipiscence for hir malicious lee.”
Lordis nominatis et appointis the Lord Previe Seale, Wyntoun, Lin-
lithgow, Seafor, Galloway, Lauderdaill, Melvill, Bishop of Dumblane, the
Bishop of Murray, Advocat and Justice Clerk or ony four or fyve of
thome together with M’ Andro Ramsay, M’ William Strutheris and M’
Harye Rolloke, to confer and deal both with the Lady Frendraught and
Margaret Wode for drawing of thame to a confession of the treuth;
and that they mete the morn in the laught counsal house of Edin-
burgh at nyne of the cloke in the morning. (Signed) “Geo. Cancell,”
Monteith, Morray, J. Erksyne, Traquaire, Arch. Acheson.”

24. Letters of Summons under the Signet against William Campbell
and others for breaking into the house of Caddell to compear before the
Council on the 9th June next. (See ante, p. 147). Directed to
Alexander Dunbar, messenger, and signed “JA PYRMOIS.” [On the
margin] “Nono Junij 1631. B. Murray, persounalie; Alex’ Nicolison, per-
sounalie; the rest absent. Decernis aganis the absentes.” [Noted on
the back] “Alexander Nicholison declarit that William Campbell desyrit
him to attend the day libellit to give his advise anent the repairing of
the draw bridge quhiche was cassin downe be the wind.”

25. Original Minute of the admission at Whitehall of Sir James
Galloway as a member of the Privy Council of Scotland, printed ante,
p. 221. Marked by the Clerk of Council at foot “Secundo Junij, 1631,
presenitit and ordnat to be registrat.”

26. Note of executions of the summonees against persons in the
north accused as excommunicated Papists and others to appear before the
Council on 9th June next, by James Thome, messenger, (1) on 10th
March, 1631, against .... Gordone, wife of Mr. Robert Bissat of
Lessindrum, personally apprehended, and the said Mr. Robert Bissat by
delivery of a copy of the charge to his wife; witnesses, Alexander
Schand in Lessindrum, and James Callum, servitor to the messenger;
(2) on the same day against Isobell Straquhane, wife of John Spens of
Brintstane, and also the said John Spens for presenting his said wife,
both personally apprehended; witnesses, Thomas Spens, servitor to the
said John Spens, and the said James Callum: (3) on 15th March, 1631,
against Marjory Malcome, wife of Matthew Alshoner in Turreff, and
the said Matthew himself, for presenting his said wife, both personally
apprehended; witnesses, George Watsone, messenger in Turreff, and the
said James Callum; and (4) by John Spens, messenger, on 13th March,
1631, against John Gordone at Mylne of Ruthven to present his wife
before the Council; witnesses, Thomas Spens, servitor to the said John Spens and Patrick Murson, servitor to the Marquis of Huntlie. Signed by the messengers.

27. Note of executions by the said James Thome, messenger, (1) on 10th March, 1631, against Patrick Gordone of Kincragie, for delivery of his houses and entering himself in ward in the Castle of Blaknes; witnesses, . . . . Gordone, elder of Kincragy, his father, William Davie, there, and James Callum, servitor to the messenger: (2) on 10th March, 1631, against John Leslie, sometime of New Leslie and now in the place of Gartley, to the same effect; witnesses, Alexander Leslie, son of the said John, and the said James Callum: (3) on 11th March, 1631, against John Gordone in Cohorroche and Janet Herper, his spouse, to the same effect; witnesses, Alexander Wat there, and the said James Callum: (4) on 12th March, 1631, against James Gordone of Letterfourie and Margaret Gordone his spouse, personally apprehended at their dwelling house of Letterfourie, to the same effect; witnesses, James Wischert, their servitor, and the said James Callum: (5) on 13th March, 1631, against James Con in Knockiemilne, service being given to his wife in his name at his dwelling house there, to the same effect; witnesses, William Watsone in Todlache and the said James Callum: (6) on 14th March, 1631, against Alexander Irving of Beltie and Isobel Irving, his spouse, at their dwelling house of Alterie, to the same effect; witnesses, Alexander Reyth, servitor to the said Alexander Irving, and the said James Callum: (7) on 28th March, 1631, against Alexander Leslie, sometime in Gowill and now in Auld Aberdein, to the same effect; witnesses, William Gray and Alexander Litster in Auld Aberdein: and (8) on 14th April, 1631, by Alexander Sandesoon, messenger, against William Hay of Fotterletter and Lulies Gordoun, his spouse, at their dwelling house of Fotterletter, to the same effect; witnesses, James Thome, messenger, and Malcolm Straithe at the Milne of Knockleyth. All signed and signed by the messengers.

28. Notes of execution of summonses by James Thome, messenger, (1) on 10th March, 1631, against Patrick Gordone of Kincragie, [William Sarisett] for breach of his bond; witnesses, Gordone, elder of Kincragie, his father, William Davie in Cultis, and James Callum, the messenger's servant: (2) on 10th March, 1631, against Alexander Irving of Beltie and Isobel Irving, his spouse, at their dwelling house of Alterie, for breach of their bond; witnesses, Alexander Reyth, their servitor, and the said James Callum: (3) on 28th March, 1631, against George, Lord Gordone, as undertaker for the goodwife of Letterfourie, at his dwelling house in Auld Aberdein, for non-observance of the Acts of Council; witnesses, George Merser in Auld Aberdein, and Alexander

1 This is deleted and an illegible name like William Sarisett inserted.
1631. CHARLES I. 619

Miscellaneous Papers.

Litster there: (4) on 12th March, 1631, against James Gordoun of Letterfourie, at his dwelling house there, for breach of his bond; witnesses, James Wischert in Letterfourie, and the said James Callum: (5) on 12th March, 1631, at the market-cross of Banff against the said James Gordoun of Letterfourie; witnesses, William Baxter and the said James Callum: (6) on 28th March, 1631, against Alexander Leslie, sometime in Gowill and now in Auld Aberdeen (service being made to his wife) for breach of his bond; witnesses, William Gray and Alexander Litster in Auld Aberdeen: and (7) on 18th April, 1631, against George, Lord Gordone, William Fraser of Craigton, Patrick Gordone of Kintragie, Alexander Irving of Beltie, and Isobel Irving, his spouse; Alexander Leslie in Gowill, at the market-cross of Aberdeen; witnesses, Alexander Gareauche, messenger, Andrew Kellie, and Alexander Sandesone. All signed and signet by the messenger.

29. Note of executions of summonses by Alexander Gareauche messenger, (1) on 13th March, 1631, against Janet Wode, spouse to John Gordone of Bountie, personally apprehended at Bountie, and also against the said John Gordone to present her before the Council on 9th June next, for contumacy as a papist; witnesses, John Cowtiss Milvart there, and Patrick Williamsone, servitor to the messenger; and (2) on 14th March, 1631, against “Mackdelen Wod,” spouse of John Leslie of Kintragie, and the said John Leslie to exhibit her, for the same cause as above; witnesses, James Leslie, her son, and the said Patrick Williamsone. Signed, A. Garioche, mess’ and signet A. G.

30. Note of executions of summonses by the foresaid Alexander Gareauche—(1) on 14th March, 1631, against William Fraser of Craigton to render his houses and ward himself in the Castle of Blackness; witnesses, William Fraser, eldest son of the said William Fraser, and the messenger’s servant, Patrick Williamsone; and (2) against James Forbes of Blктown, personally apprehended, to the above effect; witnesses, Alexander Duncan in Beltie and the said Patrick Williamsone. Signed and signet as above.


The whilk day in presence of the Lords of Secret Counsell compeird personallie Sir John Grant of Freuchie and actit and obleist himselfe that he being fred and releaved of his waird within the Castell of Edin- burgh, where he presentlie remains, he sall bring, present and exhibite Alaster Grant, rebell, before the saide Lords betuix and the first day of Julij nixtocome, and failyeing that he sall re-enter his person in waird within the said castell betuix and the said first day of Julij nixt, under the pane of twentie thousand pundis, thairin to remaine upon his
awne expenses till he exhibite the said Alaster Grant conforme to the decreits givin aganis him theraeenent, and sall satisfie the parteis complainers at the sight of the Counsell as accordis of the law: and in the meane tyme that the said Sir John Grant sall be lyable for the said Alaster's peaceable behaviour and for all deeds done or to be committed be him since the dait of the saids decreits, and als that he sall keeps his swin countrie peaceable and sall be answerable for all these whom he may stoppe or latt, under the said pane of twentie thousand punds."
On the same paper is written the act of the Lords of Council relieving the said Sir John Grant of his caution upon exhibition of the said Alaster Grant, dated 19th July 1631, and printed ante, p. 284.

14th May 1631. 32. Note of execution by George Jope, messenger, on 14th May, 1631, against Alexander Gordone, apparent of Carneborrow, personally apprehended, and Margaret Gordoune, goodwife of Cornallatt, of letters of charge for rendering their houses and entering into ward in the Castle of Blackness for contumacy as Papists; witnesses, William Tose, Mr. William Gordoune of Carneborrow, and John Gray in Gartlyea. (Signed) "GEORGE JOPE, messenger," (and signetted) "G. J."

17th and 21st May 1631. 33. Notes of execution of summonses by Alexander Dunbar, messenger—(1) on 17th May, 1631, against Alexander Nicolsons, smith in Calder, Walter McLentoke there, and Donald McCreistell there, to appear before the Council on 9th June next; witnesses, William Caldell, Owrtoune of Kedes, Donald MoKinreisk in Caldel, Alexander Yowng, servitor to the said messenger, and Thomas Muddroche, servitor to William Fraser, burges in Inverness; and (2) on 21st May, 1631, against William Campbell in Ardurscheir, at his dwelling-house there; and afterwards at the market cross of the burgh of Nairn against him and the foresaid Donald MCreestall; because they could not be personally apprehended, to the effect above stated; witnesses, Angus Murray and Donald MKinleay, servitors to Mr. Thomas Urquhart, minister at Ardurseir, and the foresaid Thomas Mudroche and Alexander Yowng. (Signed) "A. DUNBAR, messef.," (and signetted) "A. D."

1st June 1631. 34. "Primo Junij 1631. Previe Seals; Ros; Dunblane; Ilis; Carnegie; Naper; Clerk of Register; Justice Clerk.

The Marquis of Hamilton's levies. Anie letter from his Majestie anent the furtherance of the Marquis of Hamilton's levies."

2nd June 1631. 35. Copy of the Act of Council in favour of the burgh anent the Session, printed ante, p. 218.

37. Extract of Act of Council postponing the trial of John Meldrum and James Grant, printed ante, p. 220. (Signed) "HADINTOUN, WINTON, DUNKELD, PA. B. OF ROSS, S. THOMAS HOPE."

38. "CHARLES R. Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and welbeloved counsellours and trustie and welbeloved counsellours, wee greete yow well. Whereas wee have been moved upon the inclosed petition for givinge way to erect lights upon the Skareheads, as a purpose expedient for preventing of shipwrakes thereabouts, wherein respecting the good and saiftie of our subjects, wee ar hereby pleased to remitt the consideration of the petition unto yow, that (haveing perused the same, and hearkned to what can be further proposed to you touching that purpose) you may resolve, if there be any expediencie for erecting of those lights and of the meanes and wayes to keepe the same and if you find it necessarie and a willingnesse of suche of our subjects as are most interested therein to pay such a dutie to the same as you and they can best considcend upon, that a patent, be drawn up for a signature here or to passe our cachet there as you shall thinke fitt for the peticioner, and that for such number of yeares for such a dutie to be imposed according to the shipps burden, and such other limitations and provisions as you shall thinke fitt to prescrybe the good of our kingdome and saiftie of our subjects. Soe wee bid you faire-well. From our Court at Greenwich, the nylon day of June, 1631." Addressed to the Viscount of Duplin, Chancellor, the Earl of Monteleth, President, and the remanent Earls, Lords and others of the Privy Council of Scotland.


42. Extract of the Act of Council respecting Thomas Gordon, (printed 14th June 1631 ante, p. 236), and (signed) "JACOBUS PRYMOBIS." Also (1) the following note:—"Octavo Novembris, 1631, Thomas Gordoun personalie: Con-
tinewit till the sevintene; for keeping of the whiche dyet and that in the meanetyme he sall live without scandall, the said Thomas acted himself under the pane of 4th merkis": and (2) Note of an Act of Council dated 22nd November, 1631, in the case, printed ante, p. 370.

Another copy of the above Act.


44. Extract of the Act of the Provost, bailies and council of Edin- burgh with the deacons of the crafts confirming their declaration anent ginnellng of victual in Leith, printed ante, p. 250.

45. Summons subscribed by "Ja. Prymrois," at the instance of the provost, bailies and council of Edinburgh against James Home, Alexander Hay and George Logane, to appear before the Privy Council at Hayruds bous on the 21st in connection with the rescinding of the ginnelling act (see ante, p. 248). On the margin is noted (1) "xxi Junij, 1631; parties personalie: Continewit to Thursday nixt in respect of the shortnes both of the tyme and copy." (2) "xxij Junij, 1631; pairtye personalie; Alexander Hay for himself and in name of the remanent defendaris consentit to the rescinding of the Act of Counsaill under protestation that the decreit recoverit before the Session scoul be no further extendit in favouris of the burgh of Edinburgh then for the superioritie thereof allanerlie. The persewairs produced a declaration in write under the Clerkis hand in favouris of the noblemen and gentrie; in respect quhairof the Lordis rescindit the act."

46. Execution of the foregoing summons by Duncan Campbell, messenger, against the foresaid persons, personally apprehended in Leith; witnesses, John Kello and Archibald Mebon, indwellers in Leith, and Archibald Layng and John Dikisone, officers there. (Signed) "DUNCANE CAMPBELL, messenger."

47. Part of the draft of the Act of Council rescinding their act as to the ginnelling of victual, printed ante, p. 249.


49. Original of royal letter for postponing the trial of James Grant until the return of the Earl of Menteith, printed ante, p. 278; addressed to the Viscount of Duplin, Chancellor; the Earl of Monteith, President; and remanent Lords of the Privy Council of Scotland.

51. Draft of the Act of Council forbidding intercourse with Yorkshire and Lancashire, which are infected with the plague, printed ante, p. 264.

52. Portion of draft of the Act of Council respecting the dispute as to precedency between the Secretary and Advocate, printed ante, p. 273.

53. Copy of the Act of Council for ingathering the collection for the distressed ministers of the Palatinate, printed ante, p. 277.


55. Copy of the Act of Council in favour of Sir John Grant of Freuchie, printed ante, p. 284.

56. Petition by Dame Marie Boyd, Countess of Abirone, the substance of which, with the decision of the Lords in the matter, is embodied in the Act of Council in her favour of the same date, printed ante, p. 285. [On the back] “Fiat ut petitur to Candelmes nixto come upoun renewing of hir former cautioun, (signed) GEO. CANCELL*. I.P.D.”

57. Copy of the Act of Council relating to the grammar of Mr. David Wedderburn, printed ante, p. 287; (signed) “HADINTON I.P.D.”


59. Copy of the Act of Council as to the casting of ballast in the Forth above Queensferry, printed ante, p. 294. On the same paper is a copy of the Act of Council of 2nd August, 1631, respecting Mr. David Wedderburn’s grammar, printed ante, p. 310.

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28th July 1631.

61. Copy of the Act of Council appointing a committee for considering how the plantation of Nova Scotia may be advanced, printed ante, p. 299; signed by the same Lords.


63. Copy of the Act of Council anent the buying and selling of yarn, printed ante, p. 302; signed by the same Lords, except Sir Thomas Hope.

64. Copy of the Act of Council prohibiting the casting of ships' ballast into the Firth of Forth, printed ante, p. 303; signed by the same Lords as the last.

65. Copy of the Act of Council appointing a commission for repairing the highway from the Clockmylne to the Sands of Leith, printed ante, p. 304.

66. Copy of the Act of Council approving Lord Kintyre's action in taking a pirate ship in the West seas, printed ante, p. 305.

67. Original of royal letter approving the Council's action with regard to the Laird of Grant about the production of Alaster Grant, and requiring the like treatment of the Marquis of Huntly and others, printed ante, p. 321; addressed to the Vicount of Duplin, Chancellor; the Earl of Morton, Treasurer; the Earl of Monteith, President; and remanent noblemen and others of the Privy Council of Scotland.


69. Copy of the Act of Council upon the creation of the Earl of Monteith as Earl of Strathern, printed ante, p. 316.


71. Copy of the Act of Council in favour of Alexander, Master of
Forbes, and his levies for the King of Sweden, printed ante, p. 318; Alexander, Master of Forbes.

72. Draft of the Act of Council appointing a commission to examine witnesses anent the burning of Frendraught, printed ante, p. 320.

73. Draft of the Act of Council for charging the burgesses, who are commissioners for the teinds, to attend the Council, printed ante, p. 322.


75. Copy of the Act of Council appointing a committee for valuing the estate of the late Earl of Bothwell, printed ante, p. 328. On the back of this paper there is written "Commission to be given to John Halden of Glenegies, Sir William Murray of Abercairny, Sir James Drummond of Machanie, William Sterling of Ardo, Robert Graham of Panhellis"; but this does not not appear to have any connection with the above Act of Council.

76. Copy of the Act of Council appointing the Earl of Hadintoun to take the oath of Johne Home of Rentoun as sheriff of Berwick, printed 1631. Also on the same paper, copy of the Act of Council appointing John, Earl of Wigtoun, to take the oath of James Chalmers of Gategirth as sheriff of Ayr, printed ante, p. 336.

77. Draft of the Act of Council appointing George, Viscount of Duplin, Perth, 22nd September to take the oath of Sir John Moncreiff of Neather Moncreiff, knight, as 1631. Also draft of the Act of Council warding Sir Johne Ogilvie of Craig in the city of St. Andrews, printed ante, p. 337.

78. Draft of the Act of Council ordaining Sir Robert Hepburne of Barefute and his son, and Andrew White of Markill, to keep the peace, 1631.

79. Copy of the Act of Council permitting Lieut.-Col. Ludovick Leslie to enlist 200 men for the service of the King of Sweden, printed ante, p. 342.
Rathven, 27th October 1631.

80. "To the rycht honorabill the Lords of his Majesteis Privie Counsell, be it knownen that the berar heiroff, Thomas Gordoun of Edinville, resident for the present in Cordowne within the parroche of Rathven, brocht ane ordinance from ther Lordships to conferre with me, under-subscrivar, as pastor of the said parroche of Rathven, and in obedience thereof (as he professit) heis at diverse tymes convened with me and receave from me pritis buikes and written papers for his easie resoluition. In end, after the expyryng of the tyme prescrivit to him be the said honorabill Lordis, being urged to more meitinge he conferred once and declared that he doubted in no thing of what\textsuperscript{1} professit. Being urged to declare of what poynitis he doubted in our doctrine he answere that he would not object any thing because he was no clerk. Only he heard me patientlie discourse. Thus albeit in all humble obedience to the said honorabill Lordis will I took pains what possiblie I could for his information and conversion I could not so far prevaille as to procure a promise of further conformitie. The premisse is to be true I testifie, as I will be ansuerable, referring what new courses shall be taken with him to ther Lordships wise consideratioun; praying God to direct ther Lordships. Be thir presents written and subscrivit with my hand at Rathven, the 27 day off October, 1631 yeiris. (Signed) W. LOGIE, parson of Rathven."

2nd November 1631.
Bishops and their non-attendance as Commissioners for the Surrenders.

81. Copy of the Act of Council for charging certain Bishops for not attending the meeting of the Commission for Surrenders this day, printed ante, p. 348.

3rd November 1631.
Alaster Grant.

82. Copy of the Act of Council continuing the trial of Alaster Grant, printed ante, p. 349; signed by Hadintoun, Lauderdaleil, G. Gordone, Arch. Acheson, Hamilton, S. G. Elphinstoun, St Thomas Hope, James Baillie.

3rd November 1631.
The Master of Forbes and Sir Frederick Hamilton.


3rd November 1631.
The same.

84. Original of the said Heads agreed upon, printed ante, p. 349; signed by the parties and witnessing Lords of Council.

3rd November 1631.
Articles of agreement between Alexander, Master of Forbes, and Sir Frederick Hamilton of Maner Hamilton, knight, whilk articles both the saids parteis hes subscrivit witht their hands and ar content and consents that the same be insert and registrat in the bookes of Privie Counsell that execution may pas thereupon in forme as effirs of the qhillks articles, bearing date at the day of November, the

\textsuperscript{1} Some omission here.
yeere of God jvj threttie ane yeeris the tennoour followes:—In the first, Whereas the said Maister of Forbes had ane commissioun frome the King of Sueden for the leveyng of twa regiments of foote, ilke regiment consisting of twelffe hundreth men, as the said commissioun, dated the 16 day of Januarie, 1631 yeereis, heiris, the said Maister of Forbes be vertew of the commissioun foresaid gives full power and auctoritie unto the said Sir Friderick Hamilton to levey one of the saide regiments and to appoint and make choise of all his owne captans and other inferiour officiars.

Secundlie, The said Maister of Forbes binds and obleisses him to recese frome the said Sir Friderick all suche companeis of men as the said Sir Friderick hes beene at the charge in leveyng and transporting and hithertills mantenering, and his saids companeis carefullie to interteane upon the said Maister of Forbes his charges with competent meate, drinke and lodgging as is fitting for souldiours, untill suche tyme as he provide for thame sufficient weill victualled shippes at Leith or Dundie for thair saulf transport.

Thridlie, The said Sir Friderick discharges the said Maister of Forbes of the foure hundreth pundis sterle quhilk the said Maister of Forbes wes oblesist to pay to the said Sir Friderick at his place of randievow; the said Maister of Forbes mantenering, victualling and transporting the said Sir Friderick his regiment.

Lastlie, Both the saids parteis doe mutuallie submitt to the King of Sueden his decision whether or no the said Sir Friderick and his regiment sail be under the charge of the said Master of Forbes.”

86. Another copy of the immediately foregoing articles without the clause of registration.

87. Copy of the Act of Council prohibiting the importation and 10th November 1631. The same. currency of foreign farthings, printed ante, p. 351; signed by Geo. Cancellar¹, Hadinton, Perthe, Lauderdale, G. Gordone, Melvill, Arch. Acheson, and Scottistarvett.

88. Petition by Dame Katharine M'Dougall, spouse to Lord Uchiltrie, 10th November 1631. Petition by Dame Katharine M'Dougall as embodied in the Act of Council in his favour printed ante, p. 352. There is added, as follows after, the words “and to make him sure how and be whome it sail be payed,” but the pen has been drawn through the passage—“Becaus he will not gett ane choppin of aill upon credite, and I am certane it is farre aganis his Majestis royall heart that he sterve for hunger”; and she further asks that Andrew Quyte be allowed and enabled “to appoint some boy to attend my said husband in his chamber be day and night.” The petition is indorsed with the finding of the Council thereupon as in the Act, and signed “Geo. Cancellar¹, I.P.D.”
89. Original of royal letter for postponing the trial of Alaster Grant, printed ante, p. 370, addressed to the Viscount of Duplin, Chancellor, the Earl of Strathern, president, and the remenant noblemen and others of the Privy Council of Scotland.

90. Letters of summons at the instance of Andrew, Bishop of Galloway, as follows:—"In the taxt roll of the pryorie of Whithorne" made in July, 1630, for the relief of the said Bishop, the feuars of the lands and tacksman of the teinds ar rated as underwritten, but refuse to pay their proportions for the second term's payment of the said taxation of July, 1630, unless they are compelled. Charge is therefore to be given for this effect to the following persons for payment, as follows:—

Bishop of Galloway and others, feuars of the lands

for his lands of Stennok, £8 16s. 4d.; for his lands of Portyarrock, £14 14s. 7d.; and for his half of the Yle of Whithorne, £8 16s. 4d.; Patrick Vaus, for the lands of Cairletoun, Cairindone, Apilbie, Craigmileyne, Craichdow, Otwoune Burges, Outoune Carver, Wig, Stennok, Alexander Stewartis Wig, Culmalvew, Ailies and Barbere-noche, £174 18s. 8d.; and for his Mill of Apilbie, £17 12s. 9d., and his Mill of Little Aries, £5 5s. 10d.; Anthonie Houstoun of Drummas-toun, for his lands of Prestrie, £19 16s. 11d.; John Fleyming of Carwode, for his lands of Crugiltoune Castell, £26 9s. 2d., and for his half of Crugiltoune Cavens, £28 16s. 4d.; Alexander, Earl of Galloway, for his half of Crugiltoune Cavens, £28 16s. 4d.; Alexander Cunninghame, for his mill of Poltoun and John Ahannay of Sorbie, for their lands and mill of Poltoun, £52 18s. 4d.; Andrew Ahannay, for his lands of Whitehills, £8 16s. 4d.; Robert M'Culloch, for his lands of Balsmith, £14 11s. 1d.; Mr Gilbert Gordoone, for his lands of Glenswintoune, £24 9s. 6d.; John Martene of Schedok, for his lands of Schedok, £28 16s. 4d.; Thomas Blance, for his lands of Wig, £7 1s. 2d.; Hew Kennedy, for his lands of Little Aries, £8 16s. 4d.; Harie Hathorne, for his lands of Meikle Aries, £11 7s. 7d.; John Murray of Brochtoun, for his lands of Outoune Chappell and Outoune Gallous, £19 8s. 1d.; M'r Andrew Stewart and Hew Donaldson, for their lands of Wignesairne, £11 18s. 2d.; Thomas Kennedy of Ardmil-lane, for his lands thereof, £73 6s. 8d.; Lord Kintyre, for his lands of Kintyre, £88 3s. 10d.; Dame Katharine M'Culloche, Lady Jedburgh, and Andrew, Lord Jedburgh, for their half lands of the Yle of Whithorne, £8 16s. 4d.; John Ahannay of Sorbie, for his corn mill of Whitehills and mill lands thereof, £8 16s. 4d.; Patrick Vaus, for Barnebarroch, and John Fleming of Carwode, for their corn mill of Portyarrock and mill lands thereof, £5 2s. 4d.; the heretors and pos-sors of the crofts of Whithorne, £4 15s. 3d.; Alexander, Earl of Galloway, for his teinds of the kirk's and parishes of Whithorne, Glassertoun, Crugiltoune, Sorbie, Kirkmyden, Mochrums, Toscher-tonou, Closechant, Kirkdaill, Klanteis, Boig, and Gessertoune, £223 15s. 10d.; Neil Montgomrie of Langeschaw, for his teinds of the kirk of
Kirkmichel, £63 18s. 10d.; Sir Dowgall Campbel of Auchinbrek, for his teinds of the kirk of Culumyie, £70 11s. 1d.; John Murray of Brochtoune, for his teinds of Bruchtoune, Skedoche, Bruchtoun Weill, Outtoun Gallous, and Outtoune Chappell, £8 16s. 4d.; and Robert M'Culloch of Drummorell, for his teinds of Drummorrell and Arrow, 47s. 8d. Dated at Halyrudhous, 12th November, 1631. (Signed) Ja: Prymrois.”

Two notes at foot state that the summons was produced on 10th and 12th January, 1632, by John Logane, messenger, and registered in the Books of Council by Mr. John Skene, clerk depute to Sir John Hamilton of Magdalens, knight, Clerk of the King’s Register, Council and Rolls. (Signed) “M. J. Skene.”

91. Copy of the Act of Council dealing with the money collected for the distressed ministers of the Palatinate, printed ante, p. 357; signed by Geo. Cancell%, Hadinton, Perthe, Hamilton, St Thomas Hope, Scottistarvett, and James Baillie.

92. Petition by Dame Katherine M'Dougall for permission to take leave of her husband, Lord Uchiltrie, with her children, as contained in the Act of Council thereon, printed ante, p. 358. The endorsement is signed by Geo. Cancell%, I.P.D. and at the foot J. Prymrois.

93. Draft of the Act of Council in the matter between Francis Steuart and the Earls of Roxburgh and Buccleuch, printed ante, p. 358.

94. Draft of the Act of Council ordaining the Earl of Nithdale to produce Lord Maxwell, his son, printed ante, p. 363; also of the Act for exhibition of Andrew Anderson, a papist, printed ante, p. 363.

95. Supplication by the Advocates, Clerks of Session, Writers to the Signet and Seals, and other members of the College of Justice anent their taxation, as contained in the Act of Council in their favour, printed ante, p. 363; with the finding of the Lords thereupon, signed on the back by Hadinton, Perthe, Ad. B. of Dunblane, Arch. Acheson, Hamilton, St J. Scottistarvett, and James Baillie.

96. Draft of the Act of Council in favour of the members of the College of Justice anent their taxation, printed ante, p. 363.


99. Petition by Robert, Earl of Roxburgh, as embodied in the Act of Council thereupon, printed ante, p. 373. Indorsed "Apud Halgrudhous, 22 die mensis Novembris, 1631; the Lordis ordains the pairtie to be warnit to Thursday next to heir the desyre of the supplication granted. (Signed) GEO. CANCELLI, I.P.D., (and at foot) JR. PRYMBIRIS." Also with note of execution upon the same day by James Dowglas, macer, against Frances Steuart, personally apprehended; witnesses, Mr. William Dowglas, macer; and John Cranstoun of Thornydykes, signed and signet by the said J. Douglas. It is also noted on the petition that on 24th November, 1631, it was decerned in terms of his Majesty’s letter.

100. Draft of the Act of Council in favour of Patrik Con, printed ante, p. 372.

101. Copy of the Act of Council postponing the trial of James, Lord Uchiltrie, printed ante, p. 378.


103. Copy of the proclamation forbidding the slaying or sale of wild fowl, printed ante, p. 379, signed by Geo. Cancelli, Hadinton, Wintoun, Linlithgow, Wigtoun, Aire, Traquair, Arch. Acheson, and James Baillie.


105. Letters of Charge proceeding upon the above Act of Council ordaining messengers to pass and make proclamation thereof at the market crosses of the head burghs of the kingdom and other necessary places.

106. Supplication by Sir John Ogilvy of Craiges as set forth in the Act of Council in his favour, printed ante, p. 384; in which he adds, after referring to his wish to die in his own house, "and if it pleaseth God that I convosess off this heavie seiknes I sall at the nixt spring off the yeir be redie to remayne quhair it sall pleas your lordships to dereect me to be confyned." On the back is the finding and decision of the Lords of Council in the case. (Signed) "GEO. CANCELLI, I.P.D.," and in terms of the above Act.

Richard Mowat, examined upon the particularis underwritin,
deponis, That the night quhen the house of Frendraught wes brunt he
come to the Newmiln at midnight and that one of the men servandis
oppinit the dur to him; and denies that Jeane Wode hes duelt with
young Pitcaple the yeir bigane, and that the deponer saw hir nocht this
yeir bigane. Grantis that he wes in service with Jeane Wode quhen sho
dwelt with Pitcaple.

Jeane Wode, examined and confronted with Richard Mowat, depones
and grantis that sho wes not in the Newmyln this half yeir bigane and
that all that she deponed wes by relatioun frome hir sister and mother
sister, and that sho saw no suche thing hir selff; and depones upon hir
oath, being sworne, that John Toshe and George Spense seduced hir to
say that sho had seene that whilk sho only hard by relatioun. (Signed)
M. G. Prymerose.

John Toshe examined, deponis he never saw Jeane Wode before he
saw hir at the ferrey of Dundee, at which tyme he having hard
of Gordoun of Murceray that Jeane Wode had beene making strange
discourses concerning the burning of the houses of Frendraught, the deponer
said to him that he believed nothing of that purpois that sho had said,
and denies that ever he had any conference with Jean Wode concerning
these bussynes. Depons that Jeane Wode come to supper with thame in
Kennoway that night thay come fra Dundee, and that sho hes ordnerlie
resorted in Frendraughtis house since hir coming heir.

Jeane Wode, being confronted with John Toshe, grantis that sho said
to Frendraughtis servandis that hir sister and mother sister had reported
to hir all that sho hes deponit before; and denyis that John Toshe bad
hir say that sho hard and saw all hir selff, but only that Frendraughtis
servandis bad hir byd be what sho had said.

The Laird of Bamff, examined anent Jeane Woode, deponis that he bad
by George Spence of the discourses maid be Jeane Wode, quhairupoun
he questioned hir upoun the particularis, bot denies that ever he gaf hir
money or bad hir say wrong anent Richard Mowat. Deponis that he
saw him in Leggerden efter supper the night that the house of Frend-
draught wes brunt, bot denies that he saw him in Pitcaple upoun the
Saterday thairafter.

George Spence examinat and sworne upon his suborning of Jeane
Wode denies upoun his grite [saith] that neither he nor any other to hir
knowledge ever delt with hir to speke [anie] thing bot the veritie, and
that Bamff had no conference with Jeane Wode but what Mureck and
the deponer had.

John Leslie of Blaughane, examined, deponis that upoun the Saterday
after the burning betuix ten and ellevin houris in the morning he saw
Richard Mowatt standing in the hall of Pitcaple.
Patrik Stewart, sworne, deponis that upoun the Fryday at night that Frendraft wes brunt he saw Richard Mowat in Leggerden, bot rememberis not that he saw the morn after in Pitcaple.

James Anderson, sworne, deponis conformis to Patrik Stewart in omnibus.

Robert Dempstar, sworne, deponis he wes in Pitcaple the night that Frendraft wes brunt and that he lay with John Meldrum and saw Richard Mowat in the hall of Pitcaple about eight of the morning, and dyned there at ten houris the Saterday after the burning.

Patrik Leslie, sworne, deponis that upoun the Fryday at night that Frendraft wes burnt the deponer and Richard Mowat come to Leggerden about eight of the cloke at night and stayed there twa houris, and thairafter Richard Mowat went his way; and deponis upoun his oath that upon the Saterday thairafter he went to Pitcaple and saw Richard Mowat there at eight of the cloke in the morning and left him there at tueiff.

Robert Wilsone, sworne and demandit quhat speeches past betuix him and George Meldrum of Hattoun, deponis that after the burning George Meldrum" [Here the paper ends and is immediately followed by the signature of M. G. Frymerose. On the back is "Richard Mowatt and Jeane Wodis confrontatienoun, nono Decembris 1630" [sic].

108. Copy of the Act of Council accepting the offer by the extraordinary Lords of Session for their taxation, printed ante, p. 390.

Also on the same paper, copy of the Act of Council ratifying the Act anent the annuities of teinds, printed, ante, p. 396.

109. Extract of the Act of the commission of Surrenders and Teinds confirmed by the Council on 20th December, ante, p. 396.

"Apud Halyrudhous, decimo quarto die mensis Decembris, anno Domini miliesimo sexcentesimo tricesimo primo.

Forsameekle as ane great number of his Majestislieges differres and lies out in making of their valuations of purpose to differre and delay the payment of his Majestis annuitie till the valuations be made, quhilk is not onelie prejudicial to his Majestie, but also in end will prove greevous and troublesome to the subjects by drawing upon thame at once the arrerages of the said annuitie of all yeeres bygone and in tyme coming till the same be valued; for remeid whairof the Lords and others of the Commission for the Surrenders and Teinds hes ratified and approvin, and be thir presents ratifies and approves ane Act made be thame upon the 23 of Marche last bypass, whairby it is ordained that in all teinds whils sall be unvalued betuix and the first of August than nixtocomie and now last bypass, the titulars sall have right to the fyft
part of the present rent whill the constant be determined; and that also his Majestie sall have right to uplift his annuitie according to the fyft part of the said present rent for ane interim ay and whill the said constant rent be determined; quhilk act hes hitherto not beeene putt in executioun in the annuitie of teind bollis in respect the difference betuix the best bollis and inferior bollis of teind in ilke part of the countrie is not nor cannot be perfytelie modified and condescended upon be the Table till the valuation of the constant rent and pryces of the bollis in everie province and part of the countrie be determined. And thairfoir and to the effect the said annuitie may be universallie payed and thereby these of the lieges who lyes out urged and forced to prosecute thair valuations of the constant rent, it is statute and ordained for ane interim that the annuitie of teinds consisting in victuall sall be payed to his Majestie of all yeeres bygane and in tyme comming conforme to the tennour of the said last act, and that according to the just and trew pryces of the victuall in ilke part of the countrie, compting for ilke hundreth merkes of the pryces of the said victuall being reducted in money sax merkes for ilke hundreth merkes. With this declaratioun always that the said annuitie doe not exceid the annuitie imposed upon the best bollis be the Act of Annuitie; and that this course sall onelie stand and have place for ane interim till the valuations of the constant rent be determined and no longer. Extractum de libris Actorum Commissionis predicte per me Jacobum Prymrois, clericum ejusdem, sub meis signo et subscriptione manualibus, JACOBUS PRYMROIS." On the back the Ratification by the Council is endorsed, signed by "GEO. CANCELL", I. P. D.," and "DUNKELD."

110. Copy of the Act of Council for citing witnesses in the burning of the house of Mr. David Leitch, printed ante, p. 396.

111. Original of royal letter concerning the Earl of Roxburgh and the rentals of Kelso, dated 8th February, 1632, and printed ante, p. 429. Marked at foot "xxj Februarij 1632, fiat," and addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Stratheren, President of the Council; and remanent members of the Privy Council of Scotland.

112. Original of royal letter intimating the postponement of the 15th February 1632. The King's p. 441. Addressed on the back to the Viscount of Duplin, Chancellor; visit. the Earl of Stratherne, President of the Council; and remanent members of the Privy Council of Scotland.

to the Viscount of Duplin, Chancellor; the Earl of Strathern, President of the Council; and remanent members of the Privy Council of Scotland.

114. Original of royal letter for postponing the trial of Alaster Grant, (the date to which the trial is continued not being filled in), dated 18th March, 1632, and printed ante, p. 478. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Strathern, President of the Council; and the remanent members of the Privy Council.

21st April 1632.
The trial of John Grant of Glenmoriston.

115. Original of royal letter concerning the trial of John Grant of Glenmoriston, dated 21st April, 1632, and printed ante, p. 482. Addressed on the back to the Viscount of Duplin, Chancellor; the Earl of Strathern, President of the Council; and remanent members of the Privy Council of Scotland.

18th May 1632.
The Hamburgh ships.

116. Original of royal letter relating to the goods of the Hamburgh ships taken by virtue of letters of reprisal, dated 18th May, 1632, and printed ante, p. 490. Directed to the Viscount of Duplin, Chancellor; the Earl of Stratheren, President of the Privy Council; and remanent members thereof.

Edinburgh, 7th June 1632.

117. "Chancellor; Previe Seale; Bugcleuch; Erskyne; Carnegie; Tracquair; Bishop of Dumblane; Ilis; Advocat.

Deposition by Captain George Ogilvie anent a conversation between him and Major Francis Sinclair beyond sea concerning the burning of the house of Freandraught, deponis—That some twentie sex oulks since or thairby, having forgatherit with Major Sinclair at Elsnore in the town of Elsnore he shew the deponer that he had learned from his serjant that thair was one of his company quhom he had taken up in his recrew that being one night after drink had shakin his poquet, quhairin thair was a hundreth and some odd peecis, and said unto the rest of the soulidours that he might serve the King of Suaden all his dayes before he wald gayne so muche money as he had in his poquet whiche he had gottin for helping to some peece of service in Scotland, and that the said soulidour had declarit that he was a cook serving in the house of Freandraught the night that the same wes brunt; and that thairupoun Major Sinclair said to the deponer that if he had knowne him to haif bene one of that . . . he wald not haif taken him in service but that he wald . . . .

1 Care of his lyffe and that he soold mak him furthcomand to his tryall quherever he soold be requirit. Deponis that [after] this discourse the deponer went into the hoyes quhair the company wes, and inquyreth the serjant concerning the [trewthe]

1 The document is mutilated, especially at the foot, where a large piece has been destroyed by damp.
118. Copy of the King's letter to the Council to assist the Lord High Admiral in prosecuting the purchasers of goods from pirates, printed ante, p. 573. Indorsed "Coppie for the Chancellour."

119. Extract of the Act of Council respecting the preparations for the King's visit and restraining the exportation of victual, printed ante, p. 571. (Signed) "JACOBUS PRYMROE."

120. Commission to Alexander, Master of Forbes, James Gordoun of Undated. Lesmoir, and Mr. James Elphinstoun of Barnis, or any one of them, to search for and apprehend Patrick Tower and Alexander Smith, alias Stowtie, two notorious thieves and vagabonds, who have long lived upon theft and masterful oppression, and by whose insolencies some honest householders have been reduced to great misery. They have also been encouraged in their nefarious doings by the slowness of the ordinary magistrates to take order with them. They are also to hold courts and try them, and cause justice be administered upon them. Undated, but signed by Geo. Cancellrie, Mar, Wintoun, Roxburgh, Ar. Naper, and S. W. Oliphant.

121. "The offeres maid be Sir Jhone Ogilvy of Craigs which he is undated, but contentt be injoyned to him under what penaltie the Lordis schall think expedientt by Act of Counsell for giwing satisfactioun to the complent maid aganist him be the ministeris of the Presbiterie of Miggill in thair letter send to the Bischoip of Brechine to the end he may repair to his owen howas agane and remane thair without offence."
Imprimis, I am content to be oblis'd for causing my sone upon whom they complained and the remnant of my childrene and domestikes to resort to the Churche every Sabaothe when possiblie they may.

Nxt, that I shall travaill noyes upon the Sabaothe fra my own hows or profane the same be ony slanderous behaviour in my own person nor any that art in my powar.

Nxt, I am content to be confyned within the boundes of two mylles about my own hows.

Nxt, not to reseve any Jesuit or mess preist within my hows, nor to be found reasong agane the religiou presently professed in the Kirk of Scotland.

Finalie, becaus it is allaigned that the Bischoip of St Androis promised to them that my ward sould not be inlarged except I gavie satisfacion to the presbiterie of Meggill, I am contentt that the libertie which I craive to retorn to my own hows be granted only to continew till my Lord Archibischoip of St Androis retorn; at which tym gir thir offres schall not be thoct sufficientt be him for satisfacion of the presbiterie of Miggill, or gif in the mentym I schalbe found to have transgressed in any of the premises, in that kaiss I schalbe contentt that any punishmenttis or penaltie be inflicted one me which the Lordes of his Majesteis must honourabill Priwie Counsall schall find expediantt. (Signed) St John Ogilvy of Craig.

[The following additional Miscellaneous Privy Council Papers have been discovered since the foregoing were in print.]

14th February 1631. Subscription of the names of the skippers of Pittenweem, Kirkcaldy, Leith, Queensferry, and Dundee, in favour of his Majesty's proposal to erect lights on the Isle of May.

122. "Whereas it hes pleased the Kings most excellent Majestie out of his royall and tender care of the weale of his subjects and saulfetie of thair lyfes and goods to propone to his Majesteis Counsell the consideration of the expediencie of setting up of lights in the yle of the May for the better preservatioun and saulfetie of shippes arryving within the firth, and whereas we, the persons undersubcryving, hes speciaill interesse in this bussines, thairfor we, for the better information of his Majesteis Counsell anent the expedicien of the said propositioun, out of our awne certane knowledge doe testifie and declare that his Majesteis propositioun foresaid is most royall and just, and the prosecutioun thairof most expedient and necessar for the weale of his subjects; and in testificatioun heirof we have subscryved thir presents with our hands, as followes:—

14th Februar 1631. Subscryvit at Pettinwem be us, the maisteris of schipis undersubcryweand presentlie at home:—William Richartson, master; David Bining, maister; Frederick Cuik, maister; George Smith, maister; Androw Simson, maister; Paull Methven; George Scott, maistere; William Stewinsoun, maistere; David Robertson, master; Thomas Paige, mester; William Fairlie; John Cowane.
The subscriptione of the skippers of Kircaldye, 24th Februar 1631.—
William Mellvill, skyper; Thomas Wilsone, skippir; David Alexander, meister; Thomas Rychardson, mester; Andro Watson; Androw Richertson, mester; George Kellie, skipper; William Dersy, elder; John Thomson; Alexander Betton, master; Jhone Dawe, master; James Dawe, master; David Bald, master; Androw Daw, master; Wiliame Kid, meister; Robert Lugdoun, Walter Cokburne, James Sibald, George Strachan, Henre Schankis, Patrick Wallet, Mertine Lochquhor.

We under subscriyers for the town of Leith, the last day of Febrwarye, 1631.—D. Robertsoun, skiper; D. Logane; Florence Martine, skiper; James Hoome; Alexander Baine, Alexander Home, Gilbert Woddel, Thomas Logane, John Logane, Alexander Stewert, Androw Dwnnie, Wiliame Robesone, Thomas T.D. Dormond, mark; Johne Lukope, George Scott, Johne J. B. Broun, mark; William Broun, Thomas Lindsay.

For the Quenisfery.—Edward Littel, David Wilsone, Wiliame Lowry.

Dondi.—Andrew Abircrombi, Thomas Dischington, Jhon Blak, Gilbert Andersone, Wiliame Coile.”

123. Report of the trial of John Philip, vagabond, for sorcery and witchcraft, in the courthouse of Bamff by James, Lord Deskford, and Robert Wilsoun of Brakanhillis, sheriff depute of Bamf, in terms of a commission to them, dated at Halyruidhous, 8th September 1630, Mr. William Sharp, notary public, being appointed clerk of the said court, James Wynchester, Burgess of Bamf, procurator fiscal, and Alexander Mure, doomester.

“The said day compeirrit the said James Wynchester, procurator fisshall, assistit with the whole ministrie of the presbytry of Fordyce, M’ Thomas Mitchell, minister at Turreff, M’ Wiliame Steinsoun, minister at Gamerie, and M’ James Melvill, minister at Alva, and after the reiding of the forsaid commissione presentit Jhon Philip, vagabound, this lang tymne bygone suspect and delate guiltie of the detestable cryme of witchcraeft, sorcerie, inchaument, useing of charmes and wtheris devilish practises, offensive to God, scandalous to the true religioun, and offensive to dyverse his Hienes subjectes; togidder with ane dittay indytting the said Johne Philip of the poyntis underwrittin, denyit and confessit as followis. Imprimis, for the charming of Gilbert Leslie in the parochie of Fyntray by putting of him throw ane heap of yairne; qhilk he denyit. Item, for charming of Andro Clerk in Fyntray by casting the seiknes aff of him and putting it upon ane oxe worth the fourtie merkis, qhilk oxe thairefter diet; qhilk lykewayis he denyet, bot efter lang dealing and conference with him confessit that he charmeit sindre personeounes within the parochin of Fyntray of the feveris, and that he
fled out of the said parochin for feare of M' William Steinsoun, minister thaire. Item, for washing of Alexander Gifford in the paroch of Ava in maner conteineth in that poynte of the dittay; confessit the said poynte, and being askit how he had this, answerit that he knew it was of no goo de meane nor from God bot from the devill. Item, being indytit for the washing of George Frasir in Untlaw, confessit he nevir knew anything therof, [bot] that now and then as a poore man being ludgeit with him knew nothing of him bot as of ane honest man; he haid no dealling as will known to the juges and ministry foresaid haifing tryst his diseasse and conversacion. [Item], confessit the charming of James Maltman in Bamff his sone for the feveris with the queine of fairies, quhilk wes verifieit be the said James Maltman himself. Item, indyteit for the washing of Janet Alexander, spous to George Wallace in Insche, confessit the washing of the said Janet Alexander and affirmit that the ... juld do evill, and commandit that the ... Item, for the washing of Jhon Fergus in Forefauldis, quhilk the said Jhone Fergus confessit, verifieit that ane coale being putt in a tame cann the hous had almost fyreit, and the said Jhone Philip confessit and repeatieit the wordis of the charm. Item, confessit the charming of Marjorie Cobanes cow, spous to Thomas Glen, with a belt that haid bein putt about ane deid bairne. Item, confessit the charming of Marjorie Ryott, spous to Thomas Weddell in Bamff; of James Cunningham's wyf in Sietoun of Bamff, and Janet M . soum, spous to umquhill Jhone Pettindreich in Bamff, by taking of the plaisittes of thair haire, and the said Thomas Wedell and Jhone Pettindreiches wyifes diet. Item, confessit the charming of Robert Smyth in Boighinhilt his meare by putting a peice lether undir the mearis wombe and about his back. Item, confessit the charming of Thomas Bythie in Newtown his oxen with hespis of yairne. Item, confessit the washing and charming of Helen Turnour, spous to Robert Wicht at the miln of Alva. Item, confessit the charming of Andro Gilbert and Alexander Gates in Quhytehill for the feveris. Item, confessit the washing of Margrat Gellie in Dury. Item, confessit the washing of Elspet Thome- soun, spous to Andro Ewin in Berrihilllokk. Item, confessit the washing of Janet Lord in Ardmealie. Item, confessit the washing of Gilbert Symes wife webeter in Badinespink. Item, confessit the washing of George Reburnes wyf in Toristoune. Item, confessit the charming of Agnes Milne, spous to Peirie in Miltoun of Deskfoord. Item, confessit he knew quhan washing or charming [wes to be] useit and that washing was not to be useit bot quhen there wes bewitching. Item, confessit that he useit and orisounes after he wes bund and inactit in sessiouneis of kirkis buikis not to use them in tyme cummin. Item, confessit the charmeing of Johne Donald at the new miln of Strathylay of the feveris, and affirmit that the disease was cassin upon
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him. Item, confessit the geving of potiounes and using of oriesounes to George Braibnar in Cullen, as wes verifie be George Douglas, minister at Cullen, and M' Patrik Daig, persoun of Fordyce, to quhoom the said George relatit that the said Johne Philp come unrequyrit and being repellit the said George become worse throw the saids potiounes and wald never luyke tharefitir on [them]. Item, confessit that he was baneishit for using of charmes and sorceries for all kyndis of diseases . . . . . . . and fearing attachement and puneishment feldit out of the parochines of Fyntray, P . . . , Ellon, parochines of Abirchirdour and Auchtirless. Item, confessit that he wald heall ane Janet Urquhart of a . . . and freneisie quharwith sho hes bein trublit thir tuelf yeiris bygone. In respect of the quhilk dittay and confessioun forsaid the juges forsaidis, being advysit with the dittay and confessioun forsaid, remittit [the said Johne] Philp to the tryall of the persones of inqueist following, being lawfully summoundit to that effect.

Nomina Assis.æ.


The hail assyise in ane vote electit and nominat the said Johne Abirnethie of Torax thair chancelloure.

The hail in ane voice convictes the said Johne Philp of the hail poyntees of the dittay, as it is confessit be him self, and as ane sorcerar and charmare and illudare of the people; and thairfor thinkis him worthie of deith as him self in presence of the hail assysoures confessit that he haid bein such a man from the beginning and that he was worthie of deathe, haiing useit such divelish practizes, and that he knew that his washingis and wateris he useit haid done great evil. And the assyise remittit the forme of his deathe to the juges thair will and decreit, and hes gevin furth thair declaratour be the mouthe of thair chancellour forsaid. Et sic subscribitur, Jhon Abirnethie, chancellour. Efter the publict reiding of the quhilk declaratour of the assyise, the juges forsaidis descernes and ordaines the said Jhone Philp to be band to ane staike, than wirreit, and thairefitir his bodie to be [burnt] to ashes at the commoun place of executioun. And doome gevin heiron be Alaster More, dempster. Et sic subscribitur, Deskfoord, Robert Wilsoun. Extractum, etc.

Gulæ Sharp notarius pubæ clericus dictæ curiæ.
124. Supplication by Mr. William Falconer, parson of Moy, as follows:—He is charged to pay the first term’s payment of the taxation granted in July last for the parsonage of Moy, but can get no relief thereof from the tackmen as there is no roll made; and he therefore desires letters to charge the tackmen, subtackmen and possessors of the said teinds to meet with him at the Kirk of Moy and make the necessary roll in terms of the Act of Parliament for that effect. [On the back] “Apud Halyrudhous, 14 Aprilis, 1631. Fiat ut petitur.”

125. Supplication by John Fleming, merchant burgess of Glasgow, as follows:—George Barclay and Walter Stirling, bailies of Glasgow, have conceived such a hatred to him that they resolved to affront and disgrace him, and as they could not accomplish it otherwise, they resolved to effect this under colour of their office. Accordingly on May last, while he was peaceably walking on the street of Glasgow, they came to him with two of their officers and apprehended him at 7 o’clock in the morning, committed him to ward in the house of Gavin Naismith, their jailor, and kept him there until the evening, though no person had complained to them of him, and they had no letters of caption or other act of waring; but while he was thus warded, they sent round to all his creditors with whom he was then in terms of agreement and payment, and moved them to arrest him by caption. Hereby he has not only lost his credit, but his estate is wrecked and undone by the rigour of his creditors in taking advantage of his unjust imprisonment procured through the hard and uncharitable dealing of the said bailies. As they have thus abused their lawful authority for their own ends to wrack and undo honest men, he craves that they be summoned before and censured by their Lordships. [On the back] “Apud Halyrudhous, secundo die mensis Junii, 1631. Fiat ut petitur with the ordiner provisionum.

GEO. CANCELLA I.P.D.”

126. Supplication by Sir Thomas Hope of Craighall, King’s Advocate, and Andrew Forbes at the Mill of Clinterlie, as follows:—In violation of the laws forbidding the wearing of hagbuts and pistols, on May last James Arbuthnot in Kinmundie and Mr. George Leslie in Birsackmynle, armed with swords and hagbuts and pistols, came with a piper with a great pipe playing before them under cloud and silence of night to the house of the said Andrew Forbes for the purpose of taking his life. They “rope at the doores and preast to have breakin the same up; but not being able they come to the windowes where I lay, strake in with ther drawn swords, present their pistolets and held in the great end of the pype to provoke me to come forth.” They so terrified his wife that she became very sick “and at last parted with barne.” Further, on thereafter “the said James Arbuthnot come ryding on horsebacke with one sword and paire of pistolets at his belt toward my dwelling hous on
purpose to have slaine me." And now lately on 22d June last Arbuthnot
and Leslie came to his house and attempted to bridle him, which he
resenting, they drew their swords and struck out at him until the sword
broke, and then Arbuthnot levelled a pistol at his breast, which he was
only prevented from firing by some gentlewomen casting their gowns
over it. Moreover, his wife, who was not recovered from her last sick-
ness, was by this new assault cast "into ane deidlie disease of the quhilk
she is not lyke to recover." A summons is craved against these assailants.
(Signed) S. Thomas Hope. [On the back] "Apud Halyrudhous, primo die
mensis Julij, 1631, Fiat ut petitur."

127. Supplication by Sir James Lockhart, younger of Lee, as follows:
—The lands and barony of Lee pertain heritably to him, and are divided
from the neighbouring lands by certain march stones which have been
set there for many years. He did not think that anyone would have
interfered with these, yet contrary to the laws of the realm, Robert
Kennedie of Auchinglen and Patrick Aitken there came on May last
to his said lands, "violently removed and kuest away the saids merche
stones and with spaidis and instruments brought with thame for the
purpose kuest and levelled within my proper bounds be the space of fyve
or sax paire of butts ane elne and half ane elne depe." He craves
summons against them. [On the back] "Apud Halyrudhous, 2 July,
1631. Fiat ut petitur."

128. Supplication by Robert Dowglas of Blaikester, donator to the
eschild and liferent of John Stewart of Coldingham, narrating that in a
court held at Eymouth on 13th October last the feuars, tacksman and
pensioners of the Priory of Coldingham were taxed in the after-
mentioned sums of money as their parts of the supplicant’s relief of the
taxation of July last, but that they will make no payment thereof unless
they are compelled. He therefore craves letters against them for pay-
ment of the first term’s portion of the said taxation to him or his factors,
viz.:- "James, Erle of Home, for his lands of Northfied, Fewlawes and
Loch with the teinds includit, £25; Dame Marie, Countesse of Home,
for her lands of Auld Cammes with the teinds includit, £18 15s., and
for her lands of Fastcastell and Duddoholme with the teinds includit,
£22 10s.; Sir David Home of Wedderburne for his lands of Eymouth,
£3 15s.; Sir Patrik Home of Aitoun for his lands of Aitoun and
Aittonmaynes, £37 10s.; Issobell Home for her lands in Coldingham,
£6 5s.; Dame Katharine Home, Ladie Hundwod, for the lands of
Hundwod, £22 10s.; Sir Johne Home of Blacader for his lands of
Fisheweik and Achincraw, £21 16s. 6d.; Sir George Home of
Manderstoun for the lands of Steill, Pressis, Flores, Hielawes, Coldingham,
£13 2s. 6d.; Johne Swintoun of that Ilke for his 110 husbandlands,
£68 15s.; Christiane Home, relict of Vmquhill Robert Home, for his
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lands of Fisheweik for her lands there, 27s.; Sir David Home of Wedderburne for his lands in Paxtoun and Rentoun, £17 9s. 10d. 2f.; David Home of Nynewalls for his lands of Beoparke, 12s. 6d.; Andro Hone of Ridpeth for his lands there, 25s.; Patrik Home of Broomehous for his lands there, £3 2s. 6d.; Henrie Carmichell for his lands of Edrem, £9 7s. 6d.; Alexander Cranatoun of Mostoustoun for his lands of Eastnisbit, £10 12s. 6d.; Crichtoune, reliet of umquhill Alexander Chirneside, for her lands thair, £14 7s. 6d.; Robert Craw for his lands of East Restoun, £4 7s. 6d.; Sir David Home of Wedderburne for his lands in Coldinghame and Restoun, £4 7s. 6d.; Archibald Edington for his lands in Coldinghame, 12s. 6d.; Francis Melvill for his lands thair, 6s. 3d.; William King and Harie Home for their land there, 27s.; Johne Lichthorns for his lands in Coldinghamlaw, 6s. 3d.; James Craw for his lands in Quyntfeld and Eymouth, £3 8s. 6d. 2f.; Marion Ker, reliet of Alexander Home, and Alexander Home, her sone, for their lands in Blakkhill and Eymouth, £7 10s.; Jonet Home, reliet of umquhill William Craw of Falsabane, for their land in Swinwood. £6 17s. 6d.; Patrik Craw for his lands in Swinwood and West Restoun, £6 5s.; Mr. Alexander Smith for his lands there, £2 16s. 3d.; Patrik Home for the maynes of West Restoun, £5; David Paxtoun for his lands in West Restoun, £5; James Wardlaw for his lands there, 50s.; William Ellem for his lands there, 27s.; George Fair for his lands there, 12s. 6d.; William Jonstoun for his lands there, 12s. 6d.; Thomas Gillie for his land there, 12s. 6d.; Alexander Purves for his lands there, 12s. 6d.; for his land there, 12s. 6d.; for his land there, 12s. 6d.; Alexander Craw for his land there, 12s. 6d.; Alexander Hopper for his land there, 12s. 6d.; for his land there, 3s. 1d. 2f.; Magdalene Paxtoun for her land there, 3s. 1d. 2f.; Robert Castellaw for his land there, 3s. 1d. 2f.; George Craw for his land there, 3s. 1d. 2f.; Patrik Hall for his land there, 3s. 1d. 2f.; Nicoll Home in Beapark for his lands in Sheillupdikeis, 27s.; Johne Craw in Auchincraw for his land there, 50s.; Johne Bowr for his land there, 27s.; Johne Beig for his land there, 27s.; Lancie Paxtoun for his land there, 27s.; Johne Home of Rentoun for his lands thereof, £17; the Ladie Brako for her lands of Horsley, Swanfield, Coldinghamlaw, Coldinghametoun and Eymouth, £14 13s. 9d.; Patrik Home for his lands of Coldinghamelaw, Coldinghametoun and Hillend, £22 8d.; James Rentoun of Billie for his lands of Auchincraw and Lamberton, £26 5s.; Alesoun Home, Ladie Lumsdene, for her lands in Lumisdene, Coldinghame and Eymouth, £12 17s. 6d.; Logane for his lands in Coldinghame, 31s. 3d.; Barbara Seatoun for her lands there, 12s. 6d.; Alexander Home in Aitton for his land there, 12s. 6d.; George Home for his land there, 12s. 6d.; Johne Rentoun for his lands in Achincraw, 25s.; Johne Purves for his land there, 12s. 6d.; Johne Paxtoun for his land there, 18s. 9d.; James Bowr for his land there, 6s. 3d.; Robert Cokeburne for his lands in East Restoun and
Eymouth, 50s.; Johne Gray for his lands there, 25s.; Johne Bowmaker for his lands there, 25s.; Sir James Lundie for his lands there, 12s. 6d.; Mr. Alexander Lawder for his lands of Flemington, 5s.; William Craw for his lands of Neatherbye, £5 10s. 8d.; William Broun for his lands of Brownisbanke, 50s.; Johne Dunlop for his lands in Flemington, £5 10s. 8d.; Archibald Fishe for his lands there, 50s.; James and Helene Crawes for their land there, 50s.; his halfe lands in 6s. 3d.; his halfe lands in Eymouth, 6s. 3d.; James, Erle of Home his teinds of Coldinghame, Coldinghamelaw and Eymouth, £37 10s.; Sir Johne Home of Blacader for his teinds of Fisheweik, Paxtoun and Blacader, £25; Archibald Douglas for his teinds of Easter Lumsdene, 50s.; James, Erle of Home, for his teinds of Quhytfeild, 12s. 6d., and for his teinds of Blackhill, 18s. 9d., and for his teinds of Hillend, 18s. 9d., and for his teinds of Swynewod, £3 2s. 6d., and for his teinds of West Restoun and Bastanrig, £8 2s. 6d. 3f.; Johne Rentoun of Billie and James Rentoun for their teinds of Achnicraw and Lambertoun, £15; Mr. Richard Douglas for his teinds of Brokhoills and Berriehill, 28s. 1d. 2f.; for the teinds of Horsley, 37s. 6d.; James, Erle of Home, for his teinds of East Restoun and Plandergest £5, and for his teinds of Hundwod, £3 5s. 7d. 2f.; Johne Bowmaker for the teinds of Quhytrig, 40s. 6d.; Robert Roull for the teinds of Peilwalls, 18s. 9d.; James, Erle of Home, for the teinds of Flemington, £6 15s. 6d.; Alexander Cranston of Morestoun for the teinds of Eastnisbit and Broomeykes, £3; Sir Alexander Nisbit of that Ilke for the teinds of West Nisbit, £5; James, Erle of Home, for the teinds of Edrem, 56s. 3d.; Sir David Home, of Wedderburne for his teinds of Kimergem and Kello, £8 11s. 9d.; Ker, Countess of Hadintoun, for the teinds of Kimergem Maynes, Dunstells and Belshell, £4 1s. 9d.; Jonet Home of Quythlaw for the teinds of Swintoun, £25; Mr. Alexander Seatoun of Kilcreuche and Sir Johne Stirline of Carden for the teinds of Mellerstanes and Fawnes, £14 10s., and for the teinds of Ednem, £18 15s.; Dame Beatrix Ruthven for the teinds of Erslitoun and Coldingknowes, £9 1s. 1d. 2f.; Mr. Robert and Mr. Johne Homes for the teinds of Carrelside, Purveshaughe and Hayis, 33s. 9d.; Andro Home for his teinds of Ridpeth, 59s. 3d.; the Lardis of Wedderburne for his pensioun, £20; Sir George [Home] of Manderstoun for his pensioun, £11 5s." They are to pay within twenty days after being charged. [On the back] "Apud Halyrudhous quarto Julij 1631. Fiat ut petitur."

129. Supplication by Sir Walter Ker of Fadounside, as follows:—He 5th July 1631. earnestly desires to clear himself of debt and is resolved for this purpose to sell part of his lands. For this he must have the advice of lawyers by Sir Walter Ker of Fadounside, resident in Edinburgh, but cannot go thither without their Lordships' protection, which he craves. [On the back] "Apud Halyrudhous," 5 July, 1631. Fiat ut petitur to."
130. Supplication by Sir John Scot of Newburgh, as follows:—Miscellaneous
Andrew Scot, chirurgeon, has raised an action against him before the
Lords of Session in which his whole estate and living are involved, and
as he cannot attend to defend without their Lordships' protection, he
Fiat ut petitur to ."

131. Supplication by William Durham, sir of Grange, Henry
Ramsay of Ardowrie, and Mr. William Murray in Ardowrie, as
follows:—"The turbulent disposiotion of Sir George Gordoun of Geicht
is not unknowne" to their Lordships, and, though he is under caution
for keeping the peace, "yeit he daylie troubles and molestis us and
others gentlemen dwelling about him, threatening us with all sort of
violence by hacquebutis, pilolets and utheris forbiddin wepqouns; lykeas
George Gordoun of Lethentia, following the same trade, doeth in lyke
maner boost and minasse us," so that they cannot go about their lawful
affairs in the country. They crave that these persons may be placed
under caution for their indemnity. [On the back] "Apud Halyrudhous,
5 July, 1631. Fiat ut petitur—viz. the Laird of Geicht under the pane
of j"lib, and the said George Gordoun of Lethentie under the pane of
j"merkus. Geo. Cancell. I.P.D."

132. Supplication by Michael Carlill in Cokistield, as follows:—On
June last, bailie to the Viscount of Drumlanrig, and Mr.
George Douglas, his brother, by the said Viscount's direction, appre-
hended him and, taking him to the place of Drumlanrig, has kept him
in ward there for twenty days, he being his Majesty's free liege and
having committed no crime. He craves that they may be ordered to
produce him before their Lordships and put him to liberty. [On the
back] "Apud Halyrudhous, quinto Julii, 1631, fiat ut petitur. (See
ante p. 296.)

133. Supplication by Sir William Cunningham of Caprintoun, bailie
of Kyle, as follows:—Their Lordships were pleased to burden him with
the office of bailie of Kyle and he has studied to approve himself
worthy of the trust reposed in him. But the administration of justice
and maintenance of peace among the lieges have been greatly hindered
by a dispute between Dowglas, who has obtained a gift of the
clerkship of the said bailiary from the King, and George Angus, the
former clerk, which has engendered "suiche ane heart burning and heate
betuix these parteis as they both disdain to keepe the courts of the said
baillerie," and therefore he has not been able to get a court held for a
long time. He therefore craves their Lordships to take order with
them, or give warrant to him to make choice of another clerk during his
134. Supplication by James Prestoun, son of the deceased Mr. John 5th July 1631, Prestoun, sometime President of the Session, and George Cunningham, indweller in the Cannogait, as follows:—They became conjoint cautioners with George Buchanann of that Ilk for the Earl of Glen- carne, for 4000 merks, and have been obliged to pay the same. The said George was bound for their relief seeing he has infeftment of lands belonging to the said Earl; but he avoids this, and has for a long time been at the horn at their instance, yet he ordinarily repairs to the Abbey, the place of their Lordships’ residence, and abides within the dwelling house of John Murray there, boasting that they dare not use any captioun against him within the Abbey, “as though the place of justice and precincts thairof were ane shelter to rebellis and contemmers of all justice.” They therefore crave permission to enforce their letters of captioun against Buchanann within the said dwelling house of John Murray or any other part of the palace of Halyrudhous. [On the back] “Apud Halyrudhous, quinti Juliij, 1631. Ordains John Murray to be warnit to heir him discharchitecture of all further lodgeing or intetniente of the rebell. Geo. Cancell. l.p.d.”

135. Supplication by Sir Thomas Hope of Craighall, King’s Advocate, 5th July 1631. John Bannerman now of Little Carnie, Andrew Moncur of that Ilk, and his curators, for their interest as follows:—In contravention of the laws anent wearing hagbutts and pistols, convocation of the lieges in arms, and cutting of green wood and planting, on John Stewart of Arnetullie, Stewart’s, his sons, and others their accomplices, with convocation of the lieges to the number of persons, armed with swords, bendit staves, guns, hagbutts and pistols, came about the twilight to the woods of Easter Trainche and Auchenaglen belonging to the said John Banerman, and destroyed a great many old and young trees, which they carried away and used at their pleasure. The woods were an ornament to that part of the country, but are now by this means like to be destroyed and defaced. Summons is craveed against these persons. [On the back] “Apud Halyrudhous, quinto die mensis Juliij, 1631. Fiat ut petitur.”

136. Supplication by James, Earl of Murrey, lord of the lordship of St. Colne, as follows:—On 7th April last at a special court held at Aberdour the feuars of the lands and tacksman and pensioners of the said lordship were taxed in the underwritten sums as their proportions for the taxation of July last for his relief, and for payment of the first term of which he is now charged; but they will not pay the same unless com- pelled. He therefore craves letters against them for payment as follows:—
their proportion of the taxation of the said lordship.

"James Spittell of Lewquhat for his lands of Lewquhatisbaith and Knocksuddoune, £3 1s. 4d. 3f.; the Lord Kinloch for his lands of Wester Rassythe, £8 7s. 6d.; James Melvill of Halhill for his lands of Prinlawes, £7 1s. 8d.; Mr. John Phin of Quhithill for his lands of Easter Quhithill and Greenside, £11 6d. 3f.; John Boswell for his kirklands of Ochtertoull, 56s. 8d.; William Stewart of Mayns for his lands of Cuthilhill, Seyside, Wester Balclewe, stocks and teind, £7 10s. 10d. 2f.; John Swayne for his myyne and mylnelands of Aberdour Wester and teinds thereof, £6 18s. 11d.; Mr. Patrik Hamilton for his myyne of Cranond, 35s.; Mr. David Prymois for his mylneland of Crawmond, 13s. 11d. 3f.; Provost, bailies and counsell of Edinburgh for their lands of Coastfeild, £14 3s. 4d.; John Boswell of Pittedie for his lands of Pickkirie, £7 1s. 8d.; Sir George Foster of Corstorphine for his lands of Clermistoun, £4 5s.; Mr. George Dundas for his lands in Duddingston, 42s. 6d.; the laird of Fawside for his lands of Calside, £4 5s.; John, Erle of Rothes, for his lands of Bauclero, £4 3s. 2d. and for the teinds of the kirk of Leslie, £26 11s. 3d.; Henrie Dowglas for the sisters land in Aberdour, 28s. 4d.; Mr. Thomas Wardlaw for his teinds of Logie, 28s. 4d.; John Steill of Monivaill for the teinds of the kirk of Dollour, £17; Mr. Andro Skeene of Halyairds for his teinds of Auchtertoull, £8 6s. 1d.; Patrick Kynimonth of that llike for his teinds of Orquhart, 28s. 4d.; William, Erle of Mortoun, for his teinds of the baronie of Aberdour, £10 11s. 6d. 3f.; James Stewart of Rassythe for his teinds of Rassythe, £10 12s. 6d.; Charles, Erle of Dumfermeline, for his teinds of Delgatie, 51s. 11d. 2f.; John Hendersoun of Fordell for his teinds of Fordell, £5 11s. 7d.; James Logane of Cowstoun for his teinds of Cowstoun, 36s. 8d.; William Inglis of Ottirstoun for his teinds of Cow-carnie, 21s. 4d.; the said James Spittell for his teinds of Lewquhat, 41s. 4d.; and William Murrey of Knokdovye for his teinds of Montquey, Over and Neather Balmulls, Templehall and Balmillmyne, 49s. 1d. 2f."

They are to pay within 20 days after being charged, and such as are out of the country within 60 days. [On the back] "Auud Halyrudhou, quinto die mensis Julij, 1631. Fiat ut petitur."

6th July 1631.

Supplication by John McCharie, servitor to Walter McAwlay in Portnellane, as follows:—On 5th August last James Gardner, cordiner in Dumbartane, came to the supplicant's dwelling house, forcibly broke up the doors thereof, and "rypped the hail parts thairof for tanned ladder," but found none; and when the supplicant "modestlie craved" why he had used him thus, he drew a sword and wounded him therewith upon the elbow, to the great effusion of his blood. "Upon occasion quhairof my wife wes so affrighted that both she and I contracted ane great fever quhairof she died, leaving her death upon the said James, and I have almost ever since bene dangerouzie sicke and am now become lame of my arme, being ane cordonner of my calling and
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heirby disabled to worke, to my utter wracke and undoing." He accordingly craves summons against his assailant. [On the back] "Apud Halyrudhous, 6 July, 1631. Fiat ut petitur."

138. Supplication by Patrick Stewart in Derlathers, Robert Barnet in Padalfe, and Andrew and David Lindsay in Clovay, as follows:—On June last they were attending their market at St. Serfe fair with some sheep, nolt and other goods, when George Gordoun of Newtown, Adam Gordoun, sometime in Meilhoill, George and Alexander Dempster, and William and John Cruikshanke in Gardinsmyline, with others, armed with swords, lances and other weapons, set upon them and their servants and wounded them, to the great effusion of their blood, houghed a great number of their beasts and reft four of them. They crave summons against their assailants. [On the back] "Apud Halyrudhous, 6 July 1631. Fiat ut petitur."

139. Supplication by John M'Ewin Vc Imgader, John M'Ewin, his son, John Campbell, his brother, Marie Nein Patrik VcImgader, sister to the said John M'Ewin, and Marie Fergusoun, his servant, all indwellers in the town and lands of Dunolich, and Sir John M'Dougall of Dunolich, their master, for his interest, as follows:—On Allan and Charles M'Clain, brothers of Hector M'Clane of Kingarloch, with a number of others, armed with swords, bows and other weapons, came by way of hamesucken, at the instigation of the said Hector, to the dwelling house of the said John M'Ewin, "violently brake up the doores thatrow, forced thame to leave their houses, tooke and apprehendit the said Maria Neyne and the said Marie Fergusoun, ane virgine, hurt and woundit thame with manie straikes, and preast to have deflored us, violently reft and intro- metted with the greatest part of their goods; and when some people gathered for our defence they come furth and shott with their bowes at thame." They crave a summons against these persons. [On the back] "Apud Halyrudhous, 6 July, 1631. Fiat ut petitur."

140. Supplication by John Elder in Kirktown of Kinfawnes, as follows:—On June Patrick and Gilbert Cowper in Skoone and others, and their accomplices, with convocation of the lieges to the number of twenty eight persons, armed with swords, halberts, lances and other weapons, came "in ane tumultuous and unseemlie maner with towe of drum to the lands of Spoutwalls," and cut the supplicant's turf, cast down his yard dykes, broke and destroyed above one hundred ash, palm and elm trees, cast down a house built upon his ground and removed and cast away a number of his march stones. He accordingly craves that they be summoned before the Council. [On the back] "Apud Halyrudhous, 7 July, 1631. Fiat ut petitur."
7th July 1631.

141. Supplication by Andrew, Bishop of Galloway, and Sir Patrick M'Kie of Larg, as follows:—The said Sir Patrick first built a bridge of stone over the Water of Polnarrow, which after some years was so undermined and shaken by the violence of the water and by the frequent passing of nolt and horses going to and from Ireland that it fell down. Thereafter a new bridge of timber was erected, but from the same causes it is likely to stand but a short time unless some course be taken for repairing and upholding it. As it is the only passage between Scotland and Ireland, if the bridge be cut off great inconvenience will accrue to the lieges, and they therefore crave a commission for the uplifting of a toll upon every horse and cow crossing the water there for the maintenance and repair of the bridge and calsey, with this condition that no gentleman or others riding along the bridge shall be liable to the payment of the duty. [On the back] "Apud Halyrudhous, septimo Julij, 1631."

7th July 1631.


7th July 1631.

143. Supplication by Sir William Cuninghame of Caprington, bailie of Kyle, as follows:—In the Parliament of 1612 there was an act made limiting the number of messengers to be appointed within each shirefdom, and this number, so far as the shire of Air is concerned, is complete. But this shire is "verie spacios, comprehending within the same the bailiereis of Kyle, Carrick and Cuninghame," and the number of messengers is not sufficient for the service of the lieges, who are obliged to send sometimes twenty and sometimes thirty miles for a messenger, and the supplicant himself is often "drivin to great straitis in the executioun of your Lordships directionis partlie anent the taxatioun and otherwayes as materis fallis out concerning my office." He has represented this to the Lyon King of Arms and desired him to admit three or four more messengers for the said sheriffdom; and this the Lyon is willing to do, as he sees the necessity thereof, but refuses to proceed without authorisation from their Lordships. This accordingly the supplicant craves. [On the back] "Apud Halyrudhous, 7 July, 1631. Fiat ut petitur. Geo: cancell. i.p.d."

7th July 1631.

144. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Armestrang, widow of William Johnestoun, tenant of John Lord Hereis, as follows:—On December last William accompanied by all armed with swords, staves and other weapons and with the forbidden hagbutts and pistols, came to Lord Hereis's lands of Catlings, possessed by the complainant, and after wounding her in
several parts of her body, took away a cow, which they still retain; and by their request to the country. She craves summons against them, and the petition is subscribed by Sir Thomas Hope. [On the back] “Apud Halyrudhous, 7 July, 1631. Fiat ut petitur.”

145. Supplication by the heritors of lands about the burgh of Lauder, as follows:—Their lordships ordained the bailies of the said burgh “to deveyd the valutiaun of teynd of aikeris and commoun land, the burrow lands, the kirk lands and otheris lyand about the burgh among the heritouris of the samen, according to everie man his portioun and pro- portioun in quantitie and qualitie” before 25th July last and report the same on the first sitting of this instant July, wherein if they failed their Lordships declared that they would authorise the Earl of Lauderdale to lead the teind crop of 1631 and in time coming. The bailies have obeyed and herewit produce their report, yet the supplicants understand that the said Earl intends to act as if this had not been done. They therefore crave that their Lordships would restrain him. [On the back] “Apud Halyrudhous, 8 July, 1631. The Lords remittes the sighting of the productioun within writtin to my Lady Countess of Lauderdale. GEO. CANCELL. I.P.D.”

146. Supplication by Uthrid M'Dougall of Mondurke, as follows:—On 7th July instant their Lordships ordained the provost and bailies of the City of Edinburgh to put him to liberty in so far as he was warded at the instance of William Trotter in Blaikeburnerig and John Ker, chirurgeon, on finding caution to pay them certain sums, but the provost and bailies refuse to do so unless they are charged. He therefore craves that they may be charged. [On the back] “Apud Halyrudhous, octavo Julij, 1631. Fiat ut petitur.”

147. Supplication by John Elder of Spoutwalls as narrated ante pp. 286, 287, with this difference that the date of the assault is given as 6th July, and George Rattray is here called George Reynoch and John Sand, David Sand; and craving summons against the persons there named. [On the back] “Apud Halyrudhous, 8 July, 1631. Fiat ut petitur.”

148. Supplication by Sir James Gordoun, younger of Lesmore, and Simson, son of William Simson, messenger, as follows:—Sir Alexander Gordoun of Clunie “craftillie” stole the said Sir James to the horn, which obliged him at great expense to come to Edinburgh to obtain a suspension and relaxation thereof. Having obtained these, he sent them by the hand of the said Simson to Aberdein to Alexander Watsoun, messenger there, so that he might be relaxed at the cross of
Aberdeen where he had been denounced. But on Sir Alexander Gordon learning this, he and Dame Elizabeth Gordon, Lady Wardes, sent John Leith of Harthill on 16th June last to the dwelling house of the said Alexander Watsoun, where finding the said boy (Simsoun) with the letters at the door, he violently made him prisoner and carried him to the Laird of Clunyes dwelling house in Aberdeen and kept him there until the day of the suspension was past and until they had made protestation against the supplicant for not producing the letters and sent the same on 4th July instant to his advocate, Mr. Robert Burnet. They still detain the boy, and when the messenger pressed to get the letters back they threatened to kill him with their swords. They accordingly crave summons against the persons named. [On the back] “Apud Halyrudhous, 9 July, 1631. Fiat ut petitur.”

11th July 1631. Supplication by William Alexander, merchant burgess of Dundie, for a summons against the magistrates of Dundee.

149. Supplication by William Alexander, merchant burgess of Dundie, as follows:—The King was graciously pleased in respect of his great losses at the hands of the Dunkirkers, who robbed him of his ship and goods and so prevented him paying his debts, to grant him a protection for one year after the appending of the great seal thereto, which was the 2nd July instant, he paying the interest of his said debts meanwhile. But notwithstanding hereof the provost and bailies of Dundie have apprehended and warded him for some debts and cautionries and refuse to acknowledge the protection. He craves summons against them. [On the back] “Apud Halyrudhous, undecimo Julij, 1631. Fiat ut petitur.”

12th July 1631. Supplication by John Greirsoun of Neather Ker and William Harper, his tenant, for a summons against Mr. John Greir of Kapenoche, John Lindsay of Laggane, Edward Stit in Kapenoche, William Hutsoun, John Mortoun and Andrew Wilson there, came by way of hamesucken to the said William Harper's house, under cloud and silence of night, seized him and, binding his hands behind his back as if he had been a thief, carried him in this disgracefull manner to the provost and bailies of Dumfries and desired them to commit him to their jail. This they refused to do as his apprehenders could produce no commission for his arrest nor verify any offence done by the supplicant. Thereupon his said master desired them to release his servant, who was his Majesty's free liege, but they proudly avowed the taking of him “and said if ever I preast to eshew fra thame they sould bind me hand and foote lyke ane sheepe.” They then carried him away and have kept him a prisoner for . The supplicants crave that these persons complained upon be summoned before the Council. [On the back] “Apud Halyrudhous, 12 July, 1631. Fiat ut petitur.”

150. Supplication by John Greirsoun of Neather Ker and William Harper, his tenant, as follows:—On June last Mr. John Greir of Kapenoche, John Lindsay of Laggane, Edward Stit in Kapenoche, William Hutsoun, John Mortoun and Andrew Wilson there, came by way of hamesucken to the said William Harper's house, under cloud and silence of night, seized him and, binding his hands behind his back as if he had been a thief, carried him in this disgracefull manner to the provost and bailies of Dumfries and desired them to commit him to their jail. This they refused to do as his apprehenders could produce no commission for his arrest nor verify any offence done by the supplicant. Thereupon his said master desired them to release his servant, who was his Majesty's free liege, but they proudly avowed the taking of him “and said if ever I preast to eshew fra thame they sould bind me hand and foote lyke ane sheepe.” They then carried him away and have kept him a prisoner for . The supplicants crave that these persons complained upon be summoned before the Council. [On the back] “Apud Halyrudhous, 12 July, 1631. Fiat ut petitur.”

12th July 1631. Supplication by John Ros, minister at Blair, as follows:—Some 28 or 29 years since an act was made by the minister, elders and
session of the kirk of Blair that £10 Scots should be paid to the minister at Blair, for a summons against Alexander Anderson, portioner of Banchrie, for a summons against Alexander Anderson, portioner of Banchrie.

In April last Janet Mitchell, spouse of Alexander Andersoun, portioner of Banchrie, died, and her husband dealt with the supplicant and several of the elders in the parish to have his wife buried within the kirk, and this was granted on his promise to pay the £10 after the burial. The money was appointed by the session to be used in mending some holes in the roof of the kirk, and the supplicant was to uplift it and see it so employed. Four or five times he sent some of the elders to crave the money, but payment was refused, Anderson declaring “that in despite of the minister and elders and hail sessioun he could not pay that soume.” The supplicant thereupon purchased a precept from the sheriff of Perth charging him to pay, but desirous of obtaining the money otherwise than by legal means he went personally with two elders to him upon 4th July instant and desired him “in pleasant terms” to pay the sum or else he would use the laws of the country against him. For this cause only “he verie disgracefullie upbraided me, calling me vaine, raving gowke, windie fellow and contemptible, stoupped at me with his feete, and spatt at me, gave me and all the judges in Scotland ane defiance in that bussines, so as I was forced to depart, and caused the bedell of the kirk to give him anie copie of the shireffs precept; quhilk he having received he rent the same in peeces, trampe it in a myre, and preast to have followed after me to have killed me, if he had not beene stayed.” This vilifying of the ministers by their own parishioners is apt to be imitated by others of the like disposition unless a remedy be provided, and the supplicant therefore craves a summons against his assailant.


152. Supplication by Sir Thomas Hope of Craighall, King’s Advocate, and Sir Harie Wod of Bonytoun, as partie grieved, as follows:—In contravention of the laws forbidding the wearing of firearms and convocation of the lieges in arms Francis Ogilvie of Newrange, elder, James Ogilvie, fir thereof, his son, and their followers, having resolved out of their hatred and malice against him to take the life of the said Sir Harry Wod, the said Francis Ogilvie, accompanied by David Ogilvie, his servant, Arthur Ogilvie, his bastard son, John Ogilvie in Follow, his servant, and a number of others, all armed with swords, staves and other weapons and the prohibited hagbuts and pistols, came on being Sunday, to the kirk of St. Vigeans (which is the supplicant’s parish kirk), and “in contempt of the Lords Sabbath and disgrace of his Majestie governement ranked thameselfes in tyme of divine service at the kirk doore in militarie forme and awaited a long tyme till they soule have rancountred me and tane my life.” Further, the said James Ogilvie
accompanied by William Faschie, servitor to Lord Ogilvie, James Ogilvie, pedagogue to the Master of Ogilvie, Black William Ogilvie of Kennie, David Balfour of Gund and others of the liegees came on to the suppliants lands of Lethame, rode through his growing corn and trod down the same, and "contemnuously sent to bid the proud shireff come out if he durst; they knew his traine; and they wer there als manie as he used to ryde with." They also daily ride about armed with hagbuts and pistols ready to molest such of the liegees as they have any quarrel with. The suppliants therefore crave summons against these persons. (Signed) S. Thomas Hope. [On the back] "Apud Halyrudhous, 12 July, 1631. Fiat ut petitur."

12th July 1631.
Supplication by Dame Annabel Erskine for letters of treason against her husband, Sir John Buchanan of that Ilk, who refuses to pay to the suppli cant the alim ent decreed to her by the Council.

153. Supplication by Dame Annabel Erskine, spouse to Sir John Buchan nan of that Ilk, as follows:—On 27th October last the said Sir John was put to the horn at her instance for not paying to her the sum of 2000 merks modified by the Lords of Council and Session to her as her yearly allowance during the time that he has been forth of the kingdom and also yearly during his further absence; but he most proudly remains at the horn, and in contempt of the law has withdrawn to an isle within the loch of where he keeps himself close and obscure. He has there built a house and furnished it with victuals and other necessaries, and keeps his boat chained to his gate so that none can get in or out without his permission. He has further disobeyed their Lordships' charges to compar before them and she now craves letters of treason against him and the keepers of his houses for the rendering of them and the warding of his person in the castle of Blaknes. [On the back] "Apud Halyrudhous, duodecimo Julij, 1631. Fiat ut petitur."

12th July 1631.
Supplication by Alexander Abircombie of Birkenbog and Hector Abircombie of Fetterneir, as follows:—The following persons, having conceived a deadly hatred and malice against them and determined "to dwang and oppress us and our tennents," not only trouble and molest them while peaceably winning their peats and fuel in their mosses and muirs but also threaten them with all manner of personal violence. They therefore crave that officers of arms may be directed to come and take their oaths that they dread bodily harm at the hands of these persons and against whom they beg charges to be sent requiring them to appear and find caution for their indemnity, viz:—against "Sir John Leslie of Wardees and Sir Alexander Gordon of Cluny, knights baronets, Sir James Gordoun, younger of Lesmore, James Gordoun, appeirand therof, Sir Alexander Gordoun, younger of Cluny, Johne Leslie, younger of Wardees, Francis Leslie, his brother, George Gordoun of Newtown, Patrik Gordoun of Kincragie, elder, Patrik Gordoun, younger thairof, George Gordoun of Rany, William and Normand Leslie, brether to the laird of Wardees, George Spence of Tuiloch, Patrik Gordoun in Glanderstoun,
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William Johnesoun, his son-in-law, Oliver Gordoun of Hilllocks, Gordoun, sonne to the said Patrik Gordoun of Glanderstoun, Patrik Gordoun in Arnboge, George Cruikshanke, portioner of Flinders, Johne Davidssoun in Dundure, George Andersoun, Johne and James Robertssouns, Robert Monga and James Cruikshanke there, Alexander Webster in Knokinhard, James and Robert Gleneis there, Johne Cruikshanke there, William Leslie at the mylne of Insche, Richard Gordoun at the mylne of Syde, George Leslie at the mylne of Glanderstoun, Thomas and Alexander Edwards in Tillifoure, James and Johne Gellen and Johne Scot there, William Robertssoun, George Proctour, and Johne Oge in Insche, Normand Leslie in Laichmure, Henrie Lang in Slak, Johne Gordoun in Wranghame, George Gordoun, his brother, Adame Gordoun in Wranghame, Elizabeth Straqhuen, Ladie Blakhall, George Robertssoun, Alexander Fergus and William Angus in Blakhall, James Gordoun and George Dempster in Newtown, Johne Cushnie in Cowbraigs, Alexander Anderson in Wranghame, Johne Cruikshanke in Gardinsmylne, Johne Leslie in Flander, William Leslie in Sheillagreene, Alexander Dempster in Powquhyte, Andrew Andersoun in Glennastoun, James Fyffe in Ledingame, Johne Fyffe, Arthure Wilson, Normand Hall there, George Andersoun in Doghillock, George Fergus there, Johne Walker in Cusamound, Michael Wight there, Johne Leith of Harthill, George Leith of Overhall, George Leith of Threefeild, John Leith of Newlands, William Diak, Johne Cruikshanke, George Leslie, James Ga, Andrew Cruikshanke, Johne Wight, George Tarreell and George Gordoun in Poquhyte.” [On the back] “Apud Halyrudhous, duodecimo die mensis Julij, 1631. Fiat ut petitur under the panes following, viz. the saids lairds of Wardes, Cluny and Leamore, the saids Johne Leith of Harthill, George Leith of Overhall, George Leith of Threefeild, George Gordoun of Newton, Patrik Gordoun of Kincaigie, Sir Alexander Gordoun, younger of Cluny, John Leslie, younger of Wardes, James Gordoun, eldest sonne to the said laird of Leamore, Elizabeth Straqhuan, Ladie Blakhall, everie one of thame under the pane of ane thousand pundis, and everie one of the remanent persouns under the pane of fyte hundredth merks.”

155. Supplication by Michael Scot in Leslie, as follows:—On 9th 13th July 1631. July instant, as he was on his way from Dumfermeline to the Quenisferrie, he was assailed from behind by John Aitkin, elder and younger in Roscobie, who had lain in wait for him a great part of the day, and who with a “great sting” gave him a number of “cruell wounds on the head quhairwith they felde me to the ground to the great effusion of my blood and perrell of my lyfe, and gave me manie bauche and blae striakes in the face and others parts of my bodie, and had not failed to have slain me if some persouns had not come for my releef.” He craves summons against his assailants. [On the back] “Apud Halyrudhous, 13 July, 1631. Fiat ut petitur.”
156. Supplication by John Richardsoun, messenger, as follows:—He was employed by Robert Douglas of Blakester and his spouse to execute a summons of removing against William Broun in Broomelands and John Broun, his son, which he having done they came to him on while he was employed in his office, and “without anie other ground or occasioun of offence first disgracefullie upbraidit me, calling me knave and lowne, and than furiouslie ranne upon me, rent my cloathes and gave me manie straikes with their neiffes upon the head and face, sent for ane sword, drew the same of purpose to have killed me thairwith if some neighbours had not come for my releefe.” He craves summons against them. [On the back] “Apud Halyrudhous, 13 July, 1631. Fiat ut petitur.”

157. Supplication by Hector Abirrombie of Fetternier and Adam Abirrombie of Auldrayne, his brother, as follows:—John Cruikshank in Gardinsmyne has caused a bond to be forged, purporting to be granted by the suppliants to him for 900 merks, and to have been written by Lancelot Leslie, notary, and attested by him, Normand Leslie, brother to the Laird of Wardes, John Tod, alleged to have been servant at the time to the said Hector, George Leslie in Ardowne and James Watsoun. They crave that these persons may be summoned to appear before the Council and produce the said bond and be punished as forgers of writs. [On the back] “Apud Halyrudhous, 13 July, 1631. Fiat ut petitur.”

158. Supplication by Sir Thomas Hope of Craighall, as King’s Advocate, and Dame Katharine Cuminghame, Lady Glengarnock, as narrated ante pp. 305, 306, concerning the lands and place of Ballindallach or Bandallach. They crave summons against George Buchanann, younger of that Ilk. It is signed by Sir Thomas Hope. [On the back] “Apud Halyrudhous, decimo quarto die mensis Julij, 1631. Fiat ut petitur.”

159. Supplication by Harbert Hannay, tenant to John Moffat in Craigenputtock, in the cause narrated ante pp. 311, 312. He craves relaxation from the horn and an order to the provost and bailies of Edinburgh to liberate him from their tolbooth. [On the back] “Apud Halyrudhous, 14 die mensis Julij, 1631. Fiat summonitio ut petitur to the 28 day of July, and to suspend and relax, and to charge the bailleis ut infra to the last day of the same moneth; becaus the Lords hes seene the discharge within writtin, and siclyke the compleaner hes found cautioum to the effect within mentioned. Geo: Cancell. l.p.d.”

160. Supplication by [James Crichtoun of Fendraudacht] as follows:—On 21st May last there were put to the horn at his instance the following persons:—Gregour McGregor of that Ilk . . [torn] . .
Callum Bayne McGregour in Stradoun, Alester Gregour McNeill, James Logane servitor to . . . . Murrey of Cowhardie, Gordoun, son of the deceased James Gordoun of Achindreyne, deceased James, James Baine McInnis in Glenawin, Ferquhar and John Derge in Glenlivet, . . . Bairdenoch, Angus McAlaster McEane there, Lachlan McAlaster McEane, his brother, there; James Gordoun, son to Alaster Gordoun, officer in Bairdenoch to the Lord Gordoun; Alexander Cruikshankanke alias Reidhead at Martinekirk in Strabogie within a mile to the gate of Strabogie; Gregour McEan Dowe, forester to the Marquis of Huntlie of the white wood and deer; Donald McGregour in Bellibeg; William McJohne McInnis McWilliam Moir in Achinkyle, James Baine McInnis and James Derge there, John McEane Dwy in Badzenoch, Callum McGregour, father's brother's son to Callum Oig; Adam Gordoun in Karnewhelpe, son of the deceased Sir Adam Gordoun of Parke; all dwelling under the Marquis of Huntlie and Lord Gordoun: James Moir McNeill in Duthell, John Baine there, Patrick McNab at the Mill of Ballachastell, John McNab, his son, there, Callum McAlaster in Strathspay, John McNab there, Angus and John, sons of Doull Sheirs in Urquhart; James McNeill Grant in Duthill and John Dow McEan Vayne there; dwelling under the Laird of Grant: Angus Bayne in Rothimurchus, and Alester Shaw, son of Ferquhar Shaw there; dwelling under the Laird of Rothimurchus: Patrick McGregour in Dalnabo, Callum Baine McGregour in Bellibeg, servants to the Laird of McGregour; Gregour McEan Dowie, his household man, John Dow McGregour in Cambdell, his tenant; Callum Oig, his household man; Duncan McLowrie, his servant; Gregour McEane Dowie, also his servant, and Patrick McGregour, all under the said Laird of McGregour; Patrick McGregour in Rait, servant to John Gordoun of Buckie and John Gordoun in Karnehill, under the Lady Rothemay. They failed to compear and find caution to underlie the laws for certain thefts, heirships, depredations and slaughters committed by them; and the supplicant craves that their said masters under whom they live, may be charged to exhibit them for trial. [On the back] “Apud Halyrudhouse, 14 die mensis Julii, 1631. Fiat ut petitur. Geo: Cancell. I.P.D.”

161. Supplication by Mr. William Adamsoun of Craigcrooke, sheriff- principal of Edinburgh, and his deputys, as follows:—They have been charged by Sir Ludovic Howstoun of that Ilk to apprehend John Tennent of Carnes, who is in arrears of payment of his rent for the lands of Carnes, and he intends to put them to the horn if they fail herein. But the said John Tennent has their Lordships' protection for dealing with Sir Ludovic until 31st August next and so “is in the qualitie of ane lawfull subject agains whome I nor no other judge have power or comission in that respect.” Still for obedience the supplicants are content to find caution if required, and crave suspension. [On the back] “Apud
Halyrudhous 14 die mensis Julij, 1631. *Fiat summonitio ut petitionem* to the 28 day of July instant and to suspend *ut infra* to the last day of the same moneth; becaus the compleaner hes found cautioun to the effect within writtin."

15th July 1631.

162. Suppllication by Isobel Dowglas, widow of Archibald Weddell of Turindykes, Mr. William Weddell, her son, and James Simson in Turindyses and his spouse, setting forth as narrated *ante* pp. 289, 290. They crave summons against the persons complained upon. [On the back] "*Apud* Halyrudhous, 15 July, 1631. *Fiat ut petitur*."

16th July 1631.

163. Suppllication by James Angus of Foulfordleyes as narrated *ante* p. 292, but here John Arnott in Petheid is called "Johne Arnot, bastard in Petheid," and James Wallace and Robert Hunter are omitted. He craves a summons against the persons complained upon. [On the back] "*Apud* Halyrudhous, 16 July 1631. *Fiat ut petitur*."

16th July 1631.

164. Suppllication by Alexander Middleton, merchant burgess of Aberdein, as follows:—On 1628 he was attending St. Serf's Fair in when George Gordoun of Newtoun came to him and, alleging that the supplicant refused to pay the customs of his wares, struck him "despitefullie in the side with his foote, hurt and woundit me on the head and face and uthers parts of my bodie to the effusion of my blood, and violentlie reft and tooke frome me my haill merchant wairr" which he yet keeps. He craves summons against him. [On the back] "*Apud* Halyrudhous, 16 July, 1631. *Fiat ut petitur*."

165. Suppllication by James Sandelands, notary in Newbottle, as follows:—On 15th July instant he was walking among his corn unarmed when William Otterburne in Newbottle came to him, armed with a great kent and long durk, and "with manie contumelious speaches imperiouslie commanded me to leave the kings hie way. And I thinking this and strange change in the said William, with whome I wes under all termes of nighbourheid and freindship, I prest be all sort of loving speeches to have pacified him. Bot he verie inhumane sett upon me with the said kent gave me ane number of cruel wounds on the head and others parts of my bodie, quhairwith he felde me to the ground and than with his hands and felt so bursed and bruised my whole bodie that he brake twa ribs in my side, and the blood gushed furth of my mouth from my stomacke in great abundance; and than he pulled furth his whinger and purposing to strike me throw the bodie gave me ane cruel wound on the left hand, and left me lying on the ground as ane deid man." He craves summons against him. [On the back] "*Apud* Halyrudhous, 16 July, 1631. *Fiat ut petitur*."

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*Miscellaneous Papers.*
166. Supplication by James Wallace and others, with the addition of
John Arnot in Petheheid, as narrated ante p. 291, and craving summons

167. Supplication by John Traill of Blebo, as follows:—In the ques-
tion between him and his uncle, Alexander Traill, of whom he is seeking
an account of his intromissions with his estate since 1612, and which
came before their Lordships on 9th June last, nomination was made of
the Clerk Register, his Majesty's Advocate, and the Lairds of Balfour and
Kilbrachmont for hearing their accounts and claims. The said
Alexander promised then to hand in his accounts and did so in June last,
and the supplicant is prepared to answer thereto, but the said Alexander
refuses to appear to hear the same unless he is compelled. He therefore
craves that he be summoned to this effect. [On the back] "Apud Haly-
rudhous, 18 July 1631. Fiat ut petitur.'

168. Supplication by William Alexander, merchant burgess of Dundee,
as narrated ante p. 297. He craves summonses against his incarcerators.

169. Supplication by William, Lord Ramsay, as follows:—He is
charged for payment of the second, third and fourth terms of the taxation
granted in 1625, and the first term of that of July last, being 30s. of
each pound land of old extent belonging to him. His vassals, subvassals,
ladies of terce, conjunctfiars and lifrenters ought to relieve him but will
not unless they are compelled. He craves letters to compel them to do

170. Supplication by Patrick Stewart, messenger, John Cheyne, lawful
son of James Cheyne of Essilmonth, as follows:—The said messenger on
29th June last had poinded a brown horse, a black horse and a gray
mare from Henry Maxisie in Ochterallane upon his grounds of Ochter-
allane at the instance of the said John Cheyne, to whom Maxisie was due
600 merks of principal and 200 merks of expenses, and having appraised
the said goods he took them again to the said Henry to offer them to
him for the appraised prices; but he, on hearing of what had been done,
came, accompanied by Thomas Massie, his brother, George and Patrick
Massie, his sons, and Adam Ga in Ochterallane, all armed with swords,
gauntlets, steel bonnets, corn-forks and other weapons, and violently reft
the goods from him. When, in token of his being deforced, the said
messenger brake his wand the said George in contempt of his Majesty's
authority bade him put up his wand and go and hang himself and all
messenger so far as he was concerned. The messenger then having gone
to the fields where the said Henry's oxen and sheep were pasturing to

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have poinde them, he and the persons foresaid with Robert Arbuthnot, George Leslie, John Gordoun, and Robert Harper, all servants to Alexander Udnie of Achterallane, Gawin Hunter, Alexander Tailyeour, George Low and George Pyat and others, came to him and threatened to take his life if he offered to poinde any goods there. They crave summons against these persons. [On the back] "Apud Halyrudhous, 19 July, 1631. Fiat ut petitur. Geo: Canceli. I.P.D."

171. Supplication by Murdoch McClaine of Lochbowy, as follows:—He is informed that he has been put to the horn at the instance of Mr. Martin McIlwrae, minister at the kirks of Killean and Killienichan, for not appearing before their Lordships to answer for withdrawing himself and his vassals from the Kirk, threatening the said Mr. Martin and taking away a horse from him; and wrongfully so, as he never was lawfully charged to appear or he would have done so and cleared himself. However, he has now found caution in £500 for doing so and for paying £40 as his escheat, if he be found liable therein, and craves suspension of his horns. [On the back] "Apud Halyrudhous, 19 July, 1631. Fiat summonitio ut petitur to the xvii day of November nixt, and to suspend and relaxe ut infra to the last day of the same moneth. Because the compleanner hes found caution to the effect within writtin."

172. Supplication by Robert Mercer and Alexander Garioch, messengers, as follows:—On 14th July instant, the said Alexander Garioch lawfully poinde eleven nolt and ninety sheep belonging to George Gardine in Hopishill upon the ground of Hopishill at the instance of the said Robert Mercer for a debt of £510, and he was driving these goods to the burgh of Aberdin to apprise them there when Andrew Udnie in Haltoun of Balhelvie and others to the number of eighty persons, armed with swords, halberts and corn forks, set upon him and his witnesses; "and the said Androw, being upon horsebacke and having one long speir in his hand, he over-raied me with the hors and brake the speir on my head and violentlie tooke frome me the poynded goods. Quhair-upon I having brokin my wande upon the said Androw in tokin of my defoernement he opinie prest that he misrgarded the King, Counsell and his lawes, affirming that he had beene so oft before your lordships that he did not care quhat your lordships could do to him." He craves summons against these persons. [On the back] "Apud Halyrudhous, 19 July, 1631. Fiat ut petitur. Geo: Canceli. I.P.D."

173. Supplication by Hew Schand, servitor to William, Lord Blantyre, as follows:—On 7th June last John Troup and John Mill, servants to the Laird of Monymusk, and Gilbert Paterson in Kirktoon of Monymusk, came under cloud and silence of night to the town of Della, where the supplicant was, and sought to take his life. They wounded
him in several places, took his sword and whinger, broke the whinger in pieces and took away the sword with them, leaving him lying for dead; and though there were more than twenty persons looking on they dared not interfere for fear of the said Sir William, who bounded out his assailants, and by whom they were well received after committing this said servants. 

He craves summons against these persons. [On the back] “Apud Halyrudhous, 20 July, 1619. Fiat ut petitur.”

174. Supplication by Patrick Edzer, provost of Wigtown, as follows: 21st July 1631.

—On June last, John Edzer, merchant burgess of Edinburgh, his brother, sent a packet of letters to Thomas McKie, Clerk of Wigtown, in which were inclosed certain letters under the Signet at the supplicant’s instance against John Logane, notary in Monygoiff, and Archibald Muldoeoch there, for making certain arrested sums forthcoming to the supplicant. But the said John intercepted the packet in the town of Monygoiff, broke it open and read the whole missives “and with his awne hand filled up the Kings letters at his pleasure, insert suche dayes thairin as he thought good,” and so has made the same useless to the supplicant. He craves summons against him. [On the back] “Apud Halyrudhous, 21 July, 1631. Fiat ut petitur. GEO: CANCELL. L.P.D.”

175. Supplication by Elizabeth Ramsay and William Bischeop in Currie, her spouse, as follows:—Their Lordships have frequently ordained Supplication by Elizabeth Ramsay and William Bishop, her spouse, in Currie, for letters of ejection. But they were not in Currie when the ejectment was to be made.


176. Supplication by Thomas Lawson, servitor to George Lawson, 21st July 1631. 

writer in Edinburgh, as follows:—On 16th July instant, after dispatching his business in the town of Peebles, he was going to his horse when William Hay and John and Thomas Pringill, burgesses of Peebles, came to him and in a friendly way desired him “to drinke with thame before they went out of the town. Bot er ever I was awar, for quhat caus I know a summons against William Hay and thethers, whom he accuses of diverse parts of my bodie. And I being red of thame be some nighbours of the town and going down the way to Thomas Twedeis hous there, Alexander Williamsoun, burges of Peebles, Jonnet Paterson, his spouse, Agnes Williamsoun, mother to the said William Hay, Bessie Threipland, mother to the said John Pringill, come to me with stallifes and battouns, and hurt and woundit me thairwith in diverse parts of my bodie. And
I being come to the said Thomas Twedeis hous, the said William Hay, John and Thomas Pringills, boddin with speirs, pickes and swords, came to the said Thomas Twedeis close, lay at await for me there of purpose to have slaine me if I had not beene kepted by some persouns in the town." He craves summons against these persons. [On the back] "Apud Halyrudhous, 21 July, 1631. Fiat ut petiatur. HADINTON."

177. Supplication by John Littill, servitor to the Earl of Nithisdaill. Their Lordships know how that he has been detained in this burgh at the instance of Mr. David Leitch, minister, charged before his Majesty's Justice with the burning of his house. He has already kept six criminal diets, each being continued and he placed under large caution to abide in the town, where in a manner he is a stranger, his own residence being in Ireland, where his family remains. "I am forced to stay here under the odious imputation of treason, my whole means almost spent and my good name brought in question in so haynous ane point whairof I am most innocent, and so often have craved to be cleere. And seeing now the twent twa of this instant is appointed for my treyell I humbelie beseeke your Lordships that it may be the last dyet." [On the back] "Apud Halyrudhous, 21 July, 1631. The Lords ordains the supplicant to attend the examinatouris the morne. GEO: CANCELL. I.P.D."

178. Supplication by James Wricht of Gladiswod, as follows.—On 3d June last George Haliburtoun in Dryburgh and Alexander Erskyn, accompanied with certain evil-disposed persons came to the kirk of Mertoun under cloud and silence of night, "and thaire after ame verie insolent and ungodlie maner, without all reverence or feire of God or respect to the hous appoyntit for the worship of his holie name, brak doun in peices ame seatt belonging to me within the said kirk. And becaus that the said George Haliburton is conduceit to serve under Capitane Cochran in the warris and is for the present detenit within the tolbuith of the Cannogait quhill he be transportit to schip buird, quhaire he is to be transportit the morn at the fordest, thairefoire and for the better treyell of that ryot necessar it is that befoir his departour he be examinat in presence of your Lordships thairupone." He accordingly craves that the bailie of the Cannogait may be ordered to produce him that he may be urged to declare who hounded him out to the said riot and who were with him thereat. [On the back] "Apud Halyrudhouse, xxj July, 1631. Fiat ut petiatur to Twisday next. GEO: CANCELL. I.P.D.

179. Supplication by George Aitkine of Underedge, Admiral depute and tacksman of the assise herring of Dunbar, as follows:—In defiance of the acts and proclamations concerning the herring fishery, many of the "coulpars, fishearis and takearis of hering" subtilly and craftily betake themselves to creeks and bays within the Forth and
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Dispoze privately of their catches, and he craves that proclamation may be made against this and other malpractices at certain market crosses. [On the back] “Apud Halryudhous, xxj July, 1631. The Lords ordains the provest and bailleis of Edinburgh to be wairnit to heir the desyre of the supplicatoun grantit. Geo: Cancell. l.p.d.” See pages 293, 294 ante.

180. Supplication by Sir James Dowglas of Morvingtoun as follows:—21st July 1631.

In July last Mr. George Roull, minister at Morvingtoun, obtained their Lordships’ decree against him for payment of £40 as a fine for his demolishing a house belonging to the said minister, and he intends to denounce him for not paying the same, although the matter is under submission, they having referred it to Sir George Home of Manderstoun and John Gaits, minister at Bonkill, for the supplicant’s part, and to Sir John Home of Blacader, and Mr. Allan Lundie, minister at Huttoun, for the minister’s part, who have ordered him to grant a lease of the houses contraverted to the said Mr. George for his lifetime and the said Mr. George to discharge the decree obtained against him. This he is willing to do and also to find caution to pay the sum claimed if it be found that he ought so to do. He therefore craves suspension of the horning. [On the back]. “Apud Halryudhous, 21 July, 1631. Fiat summomitio ut petitur to the xv day of November nixt, and to suspend and discharge ut infra to the last day of the same month; becaus the complearer hes found cautioune to the effect within writtin; and with this provisioun that if he faille in provinge the reasonoun of his suspensioun that he salbe lyable in large expense to pairtye at the arbitrement of the Counsail. Hadinton.”

181. Supplication by John Murdoch, burgess of Wigtoun, and the provost and bailies of Wigtoun for their interest, as follows:—Sir John Vaus of Longcastell, knight, Patrick Vaus, his son, and Patrick Vaus in Kilderrache, being at the horn at the instance of the said John Murdoch for not paying him a debt of 1000 merks and interest thereof for many years past, and being unable to obtain the benefit of the laws, he has charged the Sheriff of Wigtoun and the said bailies to apprehend them. But the said rebels go about the country armed with hagbuts and pistols and when they come within the bounds of the said burgh they have such an armed following that the said bailies have no power to deal with them and dare not do so. They crave that these rebels may be summoned before their Lordships. [On the back] “Apud Halryudhous, 21 July 1631. Fiat ut petitur. Geo: Cancell. l.p.d.”

182. Supplication by the provost, bailies and council of Aberdein, as follows:—About the feasts of Whitunday and Martinmas yearly the noblemen, barons and gentlemen dwelling within the sheriffdom of Aber...
dein and thereabout, are accustomed to repair to the burgh of Aberdeen for receiving and paying money and other business, but they come accompanied by such large numbers of their friends and dependents armed as ready for offence as defence, that often great trouble has arisen in the burgh when those at feud with others have met, and the burgh has been forced to take up arms for "redding" of them, during which some of the inhabitants have been hurt, mutilated and slain. They therefore crave letters authorising them to make public proclamation at the market cross of Aberdeen and other places charging all the lieges and subjects within the shires of Aberdeen, Kincardin and Banff, that none of them presume to come with arms and convocation of the lieges, but only peaceably, and that they keep the peace and good rule and quietness.


21st July 1631.

183. Supplication by John Leslie of Pitcaple, Hector Abircremibie of Ketternie, Andro Meldrum, Patrick Leslie, Alexander Rutherfurde, Patrick Dwe, Alexander Stewart, Alexander Gardine, and James Collestoun, burgesses of Aberdeen, Alexander Gordoun of Braymoir, John Forbes, servitor to the Bishop of Aberdeen, and Robertzoun, widow of Alexander Middlton of Berrihillock, heritors of the King's and Bishop's "kavills" of Neather Done, for themselves and on behalf of the barons and heritors whose lands adjoin the said water, as follows:—

There are several good acts of Parliament for the proper keeping of croives in fresh waters, especially one of the second Parliament of King James the Fourth, cap. xv., in which it is ordained "that freshe waters be suffered to stand in forbiddin tyme; that the mid stane be alwayes free be the space of fyve foote; that the Saturdais slop be observed and keepe; and that ilke seik of the saids crooves be fyve inche wyde." The execution of the said act is committed to the sheriffs, stewards and bailies of burghs under a penalty of £20 to be exacted of the officer who fails herein. Yet William Forbes, Mr. Henry Buchane, Alexander Henrie, Mr. Alexander Keith, Alexander Seatoun, the heirs of Alexander Gray, the heirs of Thomas Forbes and William Petrie, portioners of the croives of Drone [sic], preferring their own private gain to the public good "have bigged and sett doun a number of croves in the said water farre abone the number used there of old; yea, so manie as pleaseth thame." They do not keep the Saturday's slop, "and hes ane small dyke doun be the same with other conces for perfyting their awne purpose and convoying the fishes small and great, as well salmond as trouts to the inlets of their nearest crooves adjacent to the said pretendit slop or leaving the mid streme free ... and their crooves ar contryved in suche a lawlesse sort and the seiks so neere joined one to another that there is no possiblitie for anie fish to escape thame; and by this means they intercept the hail fishe promiscuoualie and makes suche a
184. Supplication by William Crafurde, portioner of Meikle Govane, as follows:—On 20th July instant, in a Justice Court held in the tolbooth of Edinburgh by Mr. James Robertsoun, advocate, justice depute, John M'Innair, son of James M'Innair in Meikle Govane, and Patrick Gall M'Farland, burgess of Glasgow, with the said James M'Innair, were accused by the supplicant and by his Majesty’s Advocate of the destroying under cloud and silence of night of 900 growing “halthorne trie” in his orchard and grounds, and of wearing hagbut and pistols. Upon trial John M'Innair was convicted of art and part of this destruction and of having a hagbut in his hand two days after at a meeting between the said John M'Innair and the supplicant upon the lands of Meikle Govane, and Patrick Gall M'Farland was convicted of wearing pistols on various occasions. But the judge foresaid has continued pronouncing sentence until Friday, the 22nd instant, that he may advise with their Lordships thereupon. He therefore craves that their Lordships will order a punishment befitting the heinousness of the crime, and also ordain the persons convicted to be kept in sure prison within the tolbooth of Edinburgh until the supplicant be satisfied for his losses and until the said John M'Nair exhibit before the Justice and his deputies the persons guilty of the foresaid wrong. [On the back] “Apud Halyrudhous, xxj Julij, 1631. The Lordis ordanis his Majesteis Justice to pronounce doome and sentence aganis the personis withinnameit, ordaining the said John M'Innair to make payment to the pairtye persewar of the soume of ane hundreth pundis and to find cautioune to ps his remissiouen and to pay fittie merkis for the composition thairof. And siclyke that the said John M'Inneir and James M'Inneir, his father, find cautioune not to trouble the said persewar in the planting of his hedge, either of thame under the pane of three hundredh merkis; and in the meanetyme that the said Johne remayne in waerd during the Counsaillis pleasour. And siclyke to pronounce doome aganis the said Patrik Galt M'Farlane ordaining him to find cautioune for passing his remissiouen for the
pistollettis and to pay in composition for the same ane hundreth pundis. Geo: Cancell. l.p.d."

21st July 1631.
Supplication by Patrick Gall M'Farlane, to ratify the foregoiing supplication by William Crawford.

185. Supplication by Patrick [Gall M'Fararlane, burgess of Glasgow, and John M'Innair, son of James M'Innair, indweller in Meikle Govane, narrating their prosecution by William Crawurd, [as in the foregoiing petition] and that leaning to their own innocence they offered themselves for trial, but the assisers being for the most part friends of the prosecutor, they were convicted. They will say nothing against the form of their conviction, but the said Patrick represents that being in debt to Lord Lorne and his servants in great sums of money, and being on his way to the country of Argyle with the money upon him to repay the same, he carried the pistole for his personal safety. And the said John represents that he is but a mean man and unable to give redress to a powerful party for this alleged wrong, and that having been committed to prison by the judge and having remained therein for the past twenty-four hours, he has been sufficiently punished for any offence committed by him. He therefore craves his liberty and the imposition of such a satisfaction as he is able to give; and the said Patrick craves their Lordships' pardon for his offence, places himself in their will, and promises never to bear a pistole hereafter except in his Majesty's service. [On the back] "Audp Halyruds house xxi Julii, 1631. The Lords ordains Patrik Galt M'Farlane to pas a remissioun for the pistolettis and to pay ane hundreth pundis for the composition of the same. And siclyke ordains John M'Inneir" [Here the judgment stops].

21st July 1631.
Supplication by John Stewart of Coldingham, for a more convenient arrangement of the teinds of his estate now held in trust by Robert Douglas of Blaikerkston.

186. Supplication by John Stewart of Coldingham, as follows:— About nine or ten years ago he found that his estate was heavily burdened with debt and being desirous of relieving the same so that his creditors might be paid and his friends who were cautioners for him untroubled, he divested himself of all save a small portion reserved for maintaining himself and his family, and placed it in the hands of the deceased William Douglas of Blaikerkston as his trusty friend and well qualified by frugal and careful management to accomplish the end desired. Accordingly, during his lifetime the said William Douglas, and since his death, Robert Douglas, now of Blaikerkston, his son-in-law, have possessed his whole estate, except a certain quantity of teinds reserved, as aforesaid, for his own maintenance. These, during the lifetime of the said William, he uplifted wherever it was most convenient for him so to do at his own option, but now he finds no such kindly usage at the hands of the said Robert, who, instigated by some evil-willer, instead of giving him his own option, as formerly, seeks to drive him to uplift his own maintenance from places most remote from his house of Coldingham, sometimes sixteen and twenty miles away, so that he is forced either to abandon the same or spend the one half in winning of the other; sometimes to stack
and sell it in the place for what it would fetch, and then he lost his fodder, so necessary for such as have beasts. This last year the teinds of Stichell were appointed to him, sixteen miles distant, and for that reason he has reaped but small benefit from them. Now if he had the teinds near his own house of Coldingham, it would be more profitable for him and it would be but equitable also, seeing it is all he obtains from his entire estate, and can be in no way prejudicial to the said Robert Douglas. He accordingly craves that instead of the teinds of Stichell he may have those of Coldingham and Haymouthe, which will only amount to twenty four chalders of victual, after deduction of the minister’s stipend and the thirds of Rentoune’s lands. It will also remove a cause of dispute between the supplicant and the said Robert Douglas, who causelessly accuses him of encroaching upon his thirds and corns uplifted from the tenents of Coldingham. He craves also that parties, including Lord Home, may be summoned on the matter. [On the back] “Apud Halyrudhous, 21 July, 1631. Fiat summtonio ut petitur to the day of .”

187. Supplication by Thomas Snall in Quhelfnabanke, tenant to Andrew Moncur of that Ilk, as follows:—On 14th July instant, “I being reposing myselfe upon my awne croft after supper in ane sober maner, was assaile by Robert Gib in Lochtoun and Patrick Quhyttit there and others, armed with swords, dirks, great forks and kents; “and first with ake Kent[they] gave me ake deidlie straik on the shoulder, quhaires with they dang me to the ground, I being lattelie recovered of ane feuer, thereafter drew thair swords and durke, gave me thairwith twa deidlie straikes on the heid, with others straikes in diverse parts of my bodie, and not content heirwith, when I was lying on the ground they thrust ane great stone at my heid quhilk damneisit me so as I lay deid ane long space,” and they would have killed him had not some persons come to his succour. He craves summons against his assailants. [On the back] “Apud Halyrudhous, 22 July, 1631. Fiat ut petitur.”

188. Supplication by Adam Wauchope of Caikmure, as follows:—He has been charged for payment of 18s. for each of the four terms of the taxation granted in October, 1612, and 30s. for each of the two terms of that granted in 1617, each of the four terms of that granted in August 1621 and October 1625 and for the first term of this present taxation, for every pound land possessed by him held of his Majesty; and he ought to have relief from his vassals, subvassals, and others, but they refuse unless compelled. He craves letters against them accordingly. [On the back] “Apud Halyrudhous, 23 July, 1631. Fiat ut petitur.”

189. Supplication by Thomas Lowrie, messenger in Stirlin, and Andrew Lowrie there, as follows:—On 13th October last the said messenger, at the instance of Malcolm Rae in Airth had pointed some goods belonging
23rd July 1631.

Suppllication by James Wright of Glaidswode, as follows:—Their Lordships know to what trouble and expense he has been put in erecting a desk in the kirk of Mertoun for the accommodation of himself and his family in the hearing of the Word, for doing which he had a warrant both from the Kirk Session and from the High Commission of the Kirk. Yet Rawfe Ker, Alexander Wilson, and John Clerk in Dryburgh, Clerk in Bemerside, Alexander Areskine, son to the said Rawfe, and George Halyburtoun, son to John Halyburtoun in Dryburgh, met in the said Rawfe Ker’s house on and determined to break down his said desk and cut it in pieces; and Alexander Wilson gave to George Halyburtoun an axe for the purpose, assuring him that his doing so would be acceptable service to the whole parish. Accordingly the said Alexander Areskine and George Halyburtoun came to the said kirk, and while the former stood without to watch and “espy” who came by, the latter broke up the choir door, and going to the suppliant’s seat pulled it down and with his axe hewed the same in pieces. He craves that the foresaid persons be summoned before the Council. [On the back] “Apud Halyrudhous, 23 July 1631. Fiat ut petitur.”

23rd July 1631.

Suppllication by John Mureheid of Holleinibus, as follows:—He is charged at the instance of John Maxwell of Gribtoun, Edward Maxwell, his brother, James Maxwell, brother of Lord Hereis, John Broun of Mollens, James Broun, servant to the said John Maxwell, and Alexander Maxwell, younger of Conhaith, to find caution in 1000 merks for their indemnity. They have not and cannot give their oaths that they dread bodily harm at his hands; and moreover he is but a simple yeoman of neither power nor means to trouble them, who are gentlemen of great friendship, and whose real design is to “shoot me from the rowme qhilk I possesse and qhilk they verie greedilie ayme at.” He craves suspension of the letters, or if they appear and give their oath, that the caution be modified according to his rank. [On the back] “Apud Halyrudhous, 23 die mensis Julij, 1631. Fiat summonitio ut petitur to the xv day of
November nixt and to suspend and discharge ut infra to the last day of the same moneth, becaus the compleiner hes found cautiouen to the effect withinwritin:"

192. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Douglas of Cavers, sheriff of Teviotdale, as informer, as follows:—The liberty granted to the free burghs of keeping fairs and markets at certain times is a privilege flowing from his Majesty, and no burgh can therefore lawfully use the same without a warrant, yet the provost, bailies and council of Jedburgh, not content with the privilege granted to them in their charter of erection of keeping one fair only in the year upon Rude day, have instituted and proclaimed a new fair in their own name which they have kept for the past three years upon the Monday after Whitunday, and they exact double custom from the lieges resorting thereto, and assume the whole government thereof, though they have no warrant and are not sheriffs within themselves. They ought therefore to be punished for their contempt and usurpation and the keeping of the said fair should be discharged. This the suppliants crave, and that the parties be cited. Signed by Sir Thomas Hope. [On the back] "Apud Edinburgh, 23 July, 1631. Fiat ut velitur:"

193. Supplication by the provost, bailies and council of Glasgow, as follows:—They had cited Mr. Archibald Fleming, procurator in Glasgow, before them "for certane calumneyis and opprobrious speeches" against some of their number, and he, fearing the event of his trial, upon some frivolous and false allegations to their Lordships obtained the matter to be remitted to their Lordships, but kept up the letters against the suppliants unexecuted until the day appointed for hearing the case in Council was past, and then he obtained decree discharging the suppliants to proceed against him. They might "have miskenned this unlawfull discharge quahibry the said Mr. Archibald intends nothing bot to elude his deserved tryell," but they judged it right to bring the matter again before their Lordships whom they now crave to cause summon the said Mr. Archibald for the discussion of the reasons of his advocation. [On the back] "Apud Halyruhdous, 25 July, 1631. Fiat ut velitur:"

194. Supplication by James, Lord Ogilvie, tacksman of the teinds of the kirks of Muline and Strathardail and Keremure and Newtyle, as follows:—He is charged for the payment of the sum of £43 15s. for each term of the taxations granted in March 1617, August 1621, October 1625, and July 1630, for the teinds of the said kirks of Muline and Strathardail, and £100 for the taxation of July last for the teinds of the kirks of Keremure and Newtyle; and he can get no relief because no taxt roll thereof has been made. He craves therefore that the sub-tacksmen of the teinds of these kirks may be charged to meet with him
and his factors for this purpose, those of the two former kirds at the town of Alyth on and those of the two latter kirds at the kirk of Kingoldrum. [On the back] "Apud Halyrudhous, 25 die mensis Julii, 1631. Fiat ut petitur."

26th July 1631.

Supplication by John McConill in Woodend and Hew Dowglas, servitor to the Earl of Angus, as follows:—On 22d July instant, which was fair day in the town of Sanquhar, they were there doing their lawful business and doing neither offence nor injury to any one, when the provost and bailies thereof caused apprehend and them in their tolbooth where they yet remain. They crave an order to the said to produce them before the Council so that they may regain their liberty. [On the back] "Apud Halyrudhous, 26 July, 1631. Fiat ut petitur, with the ordinari provisioun."

26th July 1631.

Supplication by James Quyte, fleshier in Achtermuchtie, as follows:—On 1st July instant John Lumsden, miller at the Mill of Achtermuchtie, assailed him with a drawn whinger, gave him a great stroke therewith on the hand, "and bitt the formost finger of my left hand almost off, and if some persons had not tane his teith out of my finger he had assuredlie bittin the same aff." He has consequently "become impotent of the said finger and not able to grippe anithering chairwith" to his great losse, as he is a poor man depending only upon his handy labour. He craves summons against his assailant. [On the back] "Apud Halyrudhous, 26 July, 1631. Fiat ut petitur."

26th July 1631.

Supplication by Alexander Irving of Beltie, as follows:—He is charged as undertaker for Isobel Irving, his wife, for payment of the cautionry of £500 under which he obliged himself that she should either conform or leave the kingdom. He himself has given satisfaction to the Kirk and his said spouse is in the way of being reclaimed "and be processe of tyme there is good hopes that she may be happilie gayned to the truth," and he therefore craves a prolongation of the time allowed to her under the same cautionry by him. [On the back] "Apud Halyrudhous, 26 July, 1631. Remittis to the Bishops of Ross and Dumbane. Hadinton."

26th July 1631.

Supplication by Arthur Sinclair in Tomalounkhart and Alaster McInnes there, as follows:—On 18th April last James McInroche in Meekle Cragie, John McDonnalld McFailie in Daviour and Finlay McMartin in Mussudie were put to the horn at their instance for not appearing before the Justice to underlie the law for stealing certain goods from the supplicants; but they remain contemnuously at the horn; and as John McDonnalld McFaiie and Donald McJames McInreoch (sic) are tenants to Allan McIntosche of Daviot, and the said Finlay
199. Supplication by the commissioners for the free burghs of the kingdom, as follows:—The liberties anciently secured to the free burghs have been of late greatly impaired by certain specious overtures by particular persons who have nothing in view but their own advantage. For example, Robert Buchane, burgess of Abirdene, under colour of preserving his Majesty's waters from the unseasonable fishing for pearls has obtained a patent by which he appropriates the privilege of fishing for pearls to himself, a commodity "whiche hes bene heretofore customable reaped by the burrowis," and his so doing is to the prejudice of all others of the lieges. The sense of this moved them to represent the matter to the late Convention of Estates who remitted the matter to their Lordships; and they now crave that their Lordships would give effect thereto by recalling the said patent and suffer the burghs to follow their accustomed trade in seeking for pearls and disposing thereof as formerly. [On the back] "Apud Halyrudhous, 26 July, 1631. The Lords ordain Robert Buchane to be chargt to heare the desyre of the supplication granted. Geo. Cancel: L.P.D."

200. Copy of the Act of Council dated 28th July, 1631 ordaining a proclamation to be made about the leading of teinds (printed ante p. 304).

201. Supplication by James Abircrombie, apparent of Pittelpie, as follows:—On 23rd July instant he was in company with William Jackson, maltman burgess of Dundie, in his own dwelling house there and other places in the said town, and about 11 o'clock at night set out for his father's dwelling house of Pittelpie, when the said William, with many shows of kindness and duty would needs convoy him out of the town, to which the supplicant simply but unwillingly condescended. No sooner, however, had they got out of the town about two pair of butts than "the said William first blindfolded me within my awne cloake, tooke my sword from me, kust me to the ground, boxed me with his elbowes and knees upon the breast and shoulders and thairby verie cruellie bersed and bruised me, drew out my awin whinger and thairwith hurt and woundit me on the hand to the effusioun of my blood in great quantitie." He would have killed him had not some persons come to his relief. He craves summons against his assailant. [On the back] "Apud Halyrudhous, 28 July, 1631. Fiat ut petitur."

202. Supplication by John Murdersone, and George and Adam Storie
in Brouchtoun, as follows:—On March, 1630, James Russell in Dravae, William Russell, his son and Dicksoun, their servant, came to the ground of their lands in Brouchtoun and drove therefrom a brown horse and a gray mare pertaining to the suppliants, which they first enclosed in a house and afterwards put into the fields, “buckled with rapes about thame, within the quhilks roapes they patt ane certane quantitie of powder, kindled the same and thairby brunt the intralls of the harmelesse beasts quhairthrow they dwynned and pynned away and the meir shortlie thereafter died.” Further, on June last, when the said Adam was walking upon his own lands, the said William Russell set upon him fiercely and wounded him with “bauche, blae and bloodie striakes.” They crave summons against these persons. [On the back] “Apud Halyrudhous, 28 July, 1631. Fiat ut petitur.”

29th July 1631.
Suppliation by William Gray, sheriff clerk of Forfar, William Burgh, burgess of Dundie, and Marion Dog, widow of William Gray, late sheriff clerk of Forfar, as follows:—John Brown, portioner of Balmaw, has conceived a deadly hatred against them, especially the said William Gray, and with the purpose of taking their lives, threatens them and their tenants, and continually lies in wait for them, so that they are unable to go about in the country with safety. They therefore crave that their oats may be taken by officers of arms upon the above and the said James Brown placed under caution for their indemnity. [On the back] “Apud Halyrudhous, 29 July, 1631. Fiat ut petitur under the pane of ane thowsand merks.”

29th July 1631.
Suppliation by Elizabeth Beatoun, Lady Foullertoun, widow of William Foullertoun of that Ilk, Agnes Foullertoun of Crago, and James Graham, their servant, as follows:—On 25th July Captain John Beatoun with a number of others, armed with swords, staves and other weapons, came by way of hamesucken to the dwelling house of the said Lady Foullertoun seeking her of purpose “to have ravished” her, and violently broke up the gates and seven inner doors of chambers and other houses, searched for her through all the corners of the same, and when they could not find her, “she being happilie removed, they kepted the house that night shoaring to burne the same,” and so terrified the said Agnes Foullertoun with their threats and other violent carriage that she contracted a heavy sickness from which she is not yet recovered. Thereafter they went to the house of the said James Graham and threatened to take his life if he refused to reveal where Lady Foullertoun was, “whairwith my wife wes so astonished that she lykewayes conceaved ane great sikeseness, of the quhilk she is lyke to dee.” Further, on the morrow, when the said Lady Foullertoun came home to her dwelling house accompanied by some of her friends for her defence, the said Captain came to them and “with manie threatenings and execrable
oathes avowed to kill the man with his awin hand who durst presome to marie me, and he still lyes at await in that part of the countrie looking for some opportunitie how to surprise me and forcible to ravishe me." They accordingly crave summons against him. [On the back] "Apud Halfrudhous, 29 die mensis Julij, 1631. Fiat ut petitur."

205. Supplication by the provost and bailies of Forfar, as follows:—1st August 1631.
On 31st March last they obtained their Lordships' decree ordaining William Gray, sheriff-clerk of Forfar, to make his residence either personally or by a depute at Forfar as the head burgh of the shire for the registration of hornings, relaxations and other deeds, and the 1st of May was assigned to him for this purpose; but he has not obeyed and does not intend to obey the same unless he is compelled. They therefore crave that he be charged to obey under the pain of rebellion. [On the back] "Apud Halfrudhous, primo Augusti, 1631. Fiat ut petitur within tuentie four dayes after the charge. Hadinton."

206. Supplication by John Ker of Langnewtoun and William Ker of Mylnerig, as follows:—At a recent meeting with some of their creditors certain proposals were made for their payment which still require their presence in Edinburgh. Their Lordships' protection granted to them on 7th July expired on 1st August, and they crave a continuation. [On the back there are two orders] "Apud Halfrudhous, xxv July, 1631. Fiat ut petitur till the first of August nixt:" and "Apud Halfrudhous, secundo Augusti, 1631. Fiat ut petitur till the 23 of September, nixttocome. (Signed) WINTOUN, G. GORDON, PA. B. of ROSS, MELVILL, NAPER, TRAQUAIR, RO: KERR."

207. Supplication by John Gordoun of Innermarkie, tutor of James Gordoun, now of Rothiemay, as follows:—Their Lordships have decided that he is the legal tutor of the said James Gordoun and that he is to have the administration of him and his estate during his minority, but in respect of his distressed estate, he having nothing at present to maintain himself upon, Catharine Forbes, Lady of Rothiemay, his mother, offered to maintain him freely upon the large jointure which she has out of his living until he gets means of his own, provided she had the upbringing of him. This their Lordships refused and ordered him to be educated at the schools in Aberdein by the advice of the Bishop of Aberdein, and that a pedagogue should be chosen for him by the Bishop of Murray, and he is informed that their Lordships have further decided that the said Lady Rothiemay is to have repayment of her charges for maintenance of the said James when he comes to means of his own. Now this is contrary to her first offer and is no benefit at all. The supplicant as his lawful tutor is quite willing to do the same and has the right thereto, and unless his mother stands by her first offer she ought
to have nothing to do with his maintenance. As it is she and her friends have chosen the child’s pedagogue without reference to the Bishop of Murray; and as to his being brought up in Aberdeen, the foresaid two bishops can testify to their Lordships that he may be brought up better where he was and upon half of the expense. He therefore craves (1) that the said Catharine be ordained to maintain her son freely without repayment or else have no medling therewith; (2) that he have the choice of his pedagogue by the advice of the said two bishops; and (3) that the said bairn be brought up at the schools where these bishops judge he may most conveniently and profitably be educated. [On the back] “Apud Halyrudhouse, secundo Augusti, 1631. Ordanis the paityis to be wairnit. HADINTON.”

208. Supplication by Alexander Gordoun, now of Abiryeldie, as follows:—Some years ago he was heretably infeft in the lands of Abiryeldie under reservation of the liferent of his father, William Gordoun of Abiryeldie, who died in March last. He shortly afterwards obtained warrant from the Lords of Session for the inventoring of the goods within the place of Abiryeldie and his own entering on possession, and his mother, Elizabeth Seatoun, widow of the said deceased William Gordoun, left the said place and went to the place of Knock of which she is liferentrix. But on she came back to the place of Abiryeldie and has taken possession thereof with her family and will not remove. He craves that letters be issued charging her to remove. [On the back] “Apud Edinburgh, undecimo die mensis Augusti, 1631, Fiat ut petitur. S. Thomas Hope.”

209. “Be it kendid till all men be thir presentis, Us, the magistrates and counsell of the particular borrowes undersubscryve and having considerit matairlie the reportes maid be our commissioners quho wer convenit at the particular Conventioun of Borrowes haldin at Edinburgh in July last quhat proceedit their anent the licht desyrte to be erectit upoun the island of May, conforme to his Majesties letter directed for taking ordour thairwith, and that in end that mater was continwet to the day of September nixt, in the mein tyme the commissioneres wer desyrte that the commissioner of everie burgh appointit to be at the nixt meeting the said day sowld try of their best experimentit seafearing men, masters and awneres of schippes, and of merchandis duelling within our burghes, the expedience of erecting the said licht upoun the iland forsaid. Conforme to the quhilk desyre, after tryell thairof, we have fund be the declaratiounes of the persounes foresaidis within our saidis burghes that the erecting of the licht foresaid is most expedient and necesser, not onlie for preventing of sic manifold schipwrakis and uthirias hazardis and losses suffered by his Majesties subjectes and strangers in tyme past for defect of lichtis upoun the said iland, quhairby they might have
eschedewed sic dangerous places lying in the entrie of Fours, as Inchecap, the Kar and Briggis, in quhilk tyme of darknes they have suffered schipwrak; but also we have fund be good and trew information that ane licht erectit upoun the said iland will be verie necesser and helpfull not onlie to the preservatioun of schippes repairing from forane nationes towards this firth in tyme of darknes, bot thairwith speciallie to the fischermen of the burghes on everie syd of this firth and busches quho goes absucheing out from the entrie of this firth not abone twenteie four mylles or thairby quhilk is ane fischeing fund in experience this yier and liklie to continew mor profitable nor the fischeing of Orkney or Zeatland; the outrd of barkes thair being most chargeable in respect of great and dangerous distance and our fischermen thairby impoverisched; and quhilk tred of fischeing within the space foirsaid to the mouth of this firth can not saiflie nor commodiouslie be imbraced and followit furth without erecting of the licht foirsaid, and will also prevent the uthiris dangers abonespecefeit of all schippes ressorting to this firth from forane nationes in tyme of darknes. For the quhilkis causses we, the magistrates and counsell of the saidis burghes, being movit by the comone desyre of our seafaring men and uthiris aventerares by sea, do earnestlie supplicat and besel yowr lordships of his Majestie most honorabill Privie Counsell that, seing the erecting of the said licht is recomendit be his Majestie and that the samyn may be performat upoun mor easie charges nor is expected be the burrowes, and being so necesser and profitabill a work that so neirlie concerns the comone weill of this land for the reasounes abonespecefeit and eschedewing of sic great dangers and losses as the leiges of this realme and strangers hes heiritfor susteanit, that it may pleas yowr lordships tak this to heart and to concluid that the samyn may be tymouslie performat and that the woces of ane few number that for thair awin particulars hes objectit thairganes be not respectit. And seing we have bein desyrit to give yowr lordships information of quhat we could learne anent the expedieici of erecting of the said licht and that be the tryell of the persounes foirsaidis within our particular burghes and findis thame inclynit thairto in maner foirsaid, we have taken occasioun to testifie the samyn to your lordshipis be thir our subscriptiones at our particulair burghes the fourtein dayes of August jm vj threttie ane yeires. (Signed)

Craill: George Meldrum, bailleie off Carrail; Patrik Hunter, bailie thair; Androw Moncreiff, baillyie; Jhone Dawe thare; Thomas Cunynghame; James Dawe, Dauid Moncreiff; William Kid; Robert Mertyne; Androw Daw; Dauid Bald; Arthur Myrtoun; William Carmichell.
Pettinwem: George Kenzgow, bailleiy; James Richesone, baille; Thomas Benstoune, consel; J. Airth, consul; John Swyn, consul; Williame Watsone, consel; Jhone Kars, consel; Williame Thomson, consel; Jhoun Crombie, consule; Thomas Cui, consul.

Ahnstruther Ester: Robert Alexander, baille; George Myllie, baille;

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Robertt Law, belze; David Alexander, cunseller; George Hamyltoun, aune of the counsell; Androw Law, maistir; William Alex*, aone of the counsell; Wm. Andersoun; Jhone Smyth, maister; James Richardson, cownseller; Thomas Martine, aone of counsell; Thomas Houbrone, master. ANSTRUTHER WESTER: J. Rychardsone, baillie: John Thomson, bailze: William Darsy, of the counsell; Thomas Rychardsone, of cownsell; Robertt Pullo, cownseller; Androw Richertson."

5th September 1631.
Supplication by Mr. William Jamesoun, minister at Langnewton, John Dobson, Andrew Jamesoun, James Briggs, John Rutherfurde, Walter Midlemist, James Adamesoun, William Gray, Patrick Clerk, Michael Fala, John and Walter Allan, George Walker, James and Marion Paterson, Andrew and William Rutherfurde, and Masie Turnebull, all in Langnewton, as follows:—The said Mr. William has the parsonage teinds of the parish kirk of Langnewton for his stipend there, and he has set the same in tuck to the other persons named, heretors of the said parish, who have in virtue thereof peaceably enjoyed the same for several years past. But notwithstanding this and their Lordships' proclamation as to the leading of teinds, Sir William Ker, son of Sir Robert Ker of Ancrame, Thomas Ker of Palishill, Thomas Ker of Cavers, Andrew Ker of Newhill, William Kerr, son of the deceased Thomas Ker of Cavers, Walter Ker his son, Steven Dowlas in Timpenden, and James Dods and Andrew Broun in Ancrum, as they are informed, intend to uplift the said teinds. They crave that officers of arms be sent to take their oaths hereupon, and that the persons complained upon be put under caution for their indemnity. [On the back] "Apud Halyrudhous, 5 Septembris 1631. fiat ut petitur under the panes following, viz. the said Sir William Ker under the pane of j* merks; the said Thomas Ker of Cavers, William Ker, his uncle, Thomas Ker of Pabeshill, Andro Ker of of Newhill, everie ane of thame under the pane of fyve hundreth pund; and everie ane of the remanent persouns under the pane of iii* merks.

16th December 1631.
Anent the caution by Sir Donald M'Conell of Slait for John M'Connel M'Allane V'Eane of Ilantirim, captain of the Clannanraid (see ante p. 393), signed by GEO. CANCEILL*, DUNKELD, AD. B. of DUNBLANE, MELVILL, ARCH. ACHESON.

212. Act of Council on the complaint of Lachlan M'Caine of Morverne, second son of Hector M'Caine, elder of Dowart, narrating that out of affection for the standing of his father's house he took upon him the burden of certain great sums of money due by his said father and Hector M'Caine, younger, his elder brother, upon his brother's resignation of the living of Dowart in his favour. Thereupon, having been infest in the said living, he paid the said debts, uplifting the rents of the said lands, etc., until last Martinmas that his said father and brother, stirred up
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against him by Lachlan McClane of Coill, Lachlan McClane of Ardmoiris, brought against them by Lachlan M'Lean of Morven, son of Hector M'Lean the elder.

Hector McClane of Kellane, John Garrel McClane in Crokitely and other disorderly persons in the Isles, gathered together three hundred persons in arms and forbidden weapons and went through the bounds of Dowart, sorning and oppressing the poor people there, compelled them to pay their rents to them, and slew and mutilated their goods and drove the same away, so that the complainer was compelled to give way to them and leave the country. He is his Majesty's vassal and is now incapacitated from paying what he is due as such, and his Majesty's peace is broken in the Isles. The Lords ordain letters to be direct charging the said Hector McClane, elder and younger, at the dwelling house of James Logie, their agent, to comppear before the Council and answer upon the above complaint. (Signed) GEO : CANCELL. I.P.D.


22nd December 1651.
The Surrenders and Teinde.

214. Sedentum.—Lord Lorne; Bishop of Dumblane; Advocate; Sir John Scot.

Edinburgh, 30th March 1652.

This day in presence of the Lords appointed as a Committee of Council to hear the complaints by the Bishop of the Isles against the gentlemen of the Isles who were in Edinburgh for the time, there appeared personally Hector Moir McClane, apparent of Dowart, Sir Lachlan McClane of Morverne, Hector McClane of Keanlochallane, John Garrow McClane, and Mr. Hector McClane, son of Lachlan McClane of Coill, for himself and his father, and became obliged to concur with the Bishop of the Isles and with the ministers and clergy in that diocese and with the Bishop's officials and commissaries, for seeing order and obedience given to Church government and discipline throughout their bounds, and that neither they nor their servants and dependants shall molest the said ministers or officials, but shall duly pay their stipends, and that under the penalties prescribed in the acts made by the Islesmen to the Council. But it is provided that nothing herein shall prejudice the right of the subscribers in such patronages of kirkas as they possess. (Signed) Hector McClane, youngar of Dowart, Sr L. M'C Lane of Morverne, H. M. Kenlochalin, M' Hector McClaire, Eoin Garobh.

"Apud Edinburgh ultimo Martij 1632. The quhilk day Lauchlane McClaire of Coill compeird personallie and subcyryved the act abone writtin for hiseli in maner underwrittin" viz. by the aid of George Campbell, notary.


"Obligation by Hector Moir M'Lean, apparent of Dowart, and others, to support the Kirk within their respective bounds.

Above obligation signed by Lachlan M'Lean.
Commission to
Sir Lachlan M‘Clane of
Morven to
apprehend
miserables
vagabonds
found
sorning and
oppressing
the
barony of
Dowart and
the
isles of
Mull and
Tiree.

Justiciar of the bounds all broken Highland men and idle and masterless vagabonds found sorning on and oppressing the lieges and tenants within the barony of Dowart and the isles of Mull and Tiree. They had come in upon occasion of the late differences between Sir Lachlan and some of his friends, but these are now settled and composed and Sir Lachlan is heretably infeft in the said barony; dated at Halyrudhous, 13 April 1632, and signed by Geo: Canellia, Hadinton, Stratherne, Marschall, Winton, Traquair, and S. G. Elphinstoun.

216. Supplication by Sir Lachlan M‘Clane of Morverne, knight baronet, for himself, and in name of Hector M‘Claine, elder of Dowart, his father, and Hector M‘Claine, his brother, as follows:—Their Lordships know how they have attended in Edinburgh for nearly a year so that there is no necessity for their appearance in July next, and their estates require their presence for repairing of the miscarriages through the differences which had arisen but are now happily settled, and therefore craving that their appearance on 10th July next may be dispensed with. The Lords assent hereto and dispense with their appearance on that day. Extracted from the books of Privy Council by James Prymois, clerk thereof.

217. Supplication to the same effect as that immediately preceding by Sir Lachlan M‘Clane of Morverne alone. [On the back] “Apud Halyrudhous 13 Aprilis 1632. Fiat ut petitur. Geo: Canellia. I.P.D.” And there is also the finding of the Lords with regard to him and his father and brother as in the previous act.

218. Supplication by Sir Donald M‘Donnald of Slait, knight baronet, as follows:—About a year since the gentlemen of the Isle petitioned that their yearly compearsance might be dispensed with, when upon some complaints their Lordships granted that they should make any such representations yearly in March and promised that if there were no complaints against them they would not be required to appear for a year. He had appeared before their Lordships in February last in the matter of Clanranald and there is nothing else about which any will complain, and he therefore craves exemption from appearing again this year and that his cautioner for this may be relieved. [On the back] “Apud Halyrudhous, 13 Aprilis 1632. Fiat ut petitur. Geo: Canellia. I.P.D.”

219. Supplication by John M‘Donnald M‘Allane V‘Eane of Iantarum, Captain of the Clanranald, as follows:—Their Lordships know that he has attended in Edinburgh in March and April last and that he is obliged by his bond to come again at Martinmas to take order with his creditors, and he is persuaded that on this account their Lordships will excuse his appearing before them again in this month of July as there is no complaint laid against him; and he craves accordingly. [On the back] “Apud Halyrudhous, 3 July 1632. Fiat ut petitur, finding caution to
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compeir.” And also “Apud Halyrudhouse, quinto (?) Julij 1632. Fiat ut petitor provyding that he compeir in November under the pane of ten thousand merkis. GEO: CANCELLA. L.P.D.”

220. Supplication by Archibald, Lord of Lorne, Lachlan McClane of 5th July 1632. Supplication by Archibald, Lord of Lorne, and others, curators to John M’Kynnnon, of that Ilk, as follows:—“The hevyue disease quhairwith it hes pleased God to visite the said John M’Kynnnon by depreying him of his speche and hearing,” thus incapacitating him from the management of his affairs, moved their Lordships to dispence with his yearly appearance, they providing cautioners for his otherwise obeying the law. The said Lordships have at Edinburgh all this last winter, and being very infirm, cannot well come back to keep the tenth of July, so they crave that their appearance may be dispensed with. [On the back] “Apud Halyrudhous, 5 July 1632. Fiat ut petitor. GEO: CANCELLA. L.P.D.”

221. Supplication by Neill McNeill of Barra. Their Lordships have, July 1632. Supplication by Neill McNeill of Barra that he be relieved from appearing before the Council on the 10th of his mean estate is greatly exhausted, as it takes over three years rent of his living to make the journey to and from Edinburgh. His caution will still stand for his comppearance if he is complained against by any one, and therefore he craves that their Lordships will dispense with his appearing. [On the back, but the date is torn away] “Fiat ut petitor. GEO: CANCELLA. L.P.D.”

222. Fragment of a paper, apparently containing answers by George Undated. Supplication by Sir George Home of Manderstoun to objectors against the granting of the protection craved by him. He refers to the King’s warrant for apprehending John Neill and delivering him to the Sheriff of Berwick, who was to present him to justice before the Privy Council of Scotland. And now Neill is tried and lawfully condemned. Reference is made to others delated by the deceased Alexander Hamilton who died penitent, and to the fact that a commission has been craved to the ministry for examining witnesses thereupon, and the representers desires protection (as was his Majesty’s pleasure) for following out this pursuit to its final close; though some of his creditors, and specially some known to be his “malitious unfriends” have protested. The matter is one concerning not only his life and estate but the glory of God and the King’s pleasure; and as the parties upon whom he complains are delated to be actors with John Neill, who has now been found guilty by a lawful assise of all the charges laid against him, equity and reason demand that no impediment should be placed in the way of his seeking justice.
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