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THE REGISTER

OF THE

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THE REGISTER
OF THE
PRIVY COUNCIL OF SCOTLAND

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INTRODUCTION.

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

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

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

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

DOMESTIC LEGISLATION.

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

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

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

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

The most important trade legislation of the Council was with reference to the sale of plaiding, i.e., coarse woollen cloth. The manufacture of plaiding had for several centuries been by far the most important of Scottish industries. It was manufactured in all parts of the country—even in the Western Islands, from which it was procured by traders from the Netherlands and Denmark; it employed the largest number of hands of any industry, and its export brought in the largest return. The national income from the export of salt, which came next in importance, was only about half what was realised from the export of plaiding, which, leaving salt out of account, was nearly equal in value to all other exports taken together. Such being the economic importance of plaiding, it was matter of prime concern that its manufacture should receive careful encouragement. At the Convention of Estates which had met in 1630, the burghs had presented a petition drawing attention to a serious mischief which had arisen in connection with the trade. In selling their material the manufacturers had come to adopt the method of selling it in the form of “hard rolls” instead of “open folds.” Several evils had resulted from this practice; cloth of inferior quality was foisted upon the buyer who had not the opportunity of examining it when it was presented in the form of rolls; and as often as not the purchased cloth was not of the length and breadth alleged by the seller. Thus not only the lieges were defrauded, but foreign markets would be lost if cloth of inferior quality should continue to be exported. Charles himself became warmly interested in the question, and urgently referred its settlement to the Council (pp. 304, 318, 477, 478). It was in the northern parts of the kingdom that the mal-practices were most prevalent, and to obtain the necessary information the Council appointed a Commission of northern barons and representatives of the burghs—their instructions being to visit the markets and fairs and ascertain to what extent the alleged dishonest dealing
prevailed. After considerable delay the Commissioners gave in their report, on which the Council founded the following deliverance:—In all time coming plaider sold in market must be “layed out in folds to the view of the buyers”; when the buyer has once marked and sealed the purchased cloth, he shall not be at liberty to resile from his bargain; if the buyer insists on measuring the cloth the seller shall have the liberty to re-measure it; and finally, “for eschewing of fraude and deceat,” all plaider must be measured with “a lawfull ellwand sufficiently sealed” (pp. 526–7).

Tobacco was another commodity which received the attention of Charles I. and his Council. The following exordium from an Act for regulating its sale will explain the concern of both:—“Forsamekle as the Kings Majestie, considdering the great abuses and inconvenientes heretofore occasioned in this kingdom through the ungoverned sale and immoderate use of tobacco, quhilks, being first brought in this kingdom in small quantitie and used onelie for physick, is now growin to that excess, being generallie and promiscuouslie vented and sold in all places and be all persons at their pleasure and takin so excessivelie, being manie tymes corrupt and rottin, that the health of diverse of his Majestie’s subjects hes thereby beene endangered; for redresse of quhilks abuses and preventing thairof in tyme comming his Majestie, tending the good of his subjects, hes resolved to order the sale of that commoditie be suche a way that nane bot suche as upoun examinatioun sall be found to be fitt sall be permitted to sell or utter the same by small or retaile” (p. 271). The method adopted to check the evil was in accordance with the usual practice of the time. Two Commissioners, Sir James Leslie and Thomas Dalmahoy, a dependent of the Marquis of Hamilton, were appointed for a period of seven years with the sole right of granting licence to sell the commodity in question. Such persons as received the licence were to pay a stipulated sum to the Exchequer, and were to give a guarantee that they would dispose of no tobacco except such as was “wholesome and uncorrupt.” (pp. 271–3). It was speedily found, however, that these safeguards were of little avail against knavish retailers
encouraged by the inveterate users of the weed. As a further check on illicit dealers, therefore, a fine of a hundred marks was imposed in every case of sale without licence (p. 336). The unlawful traffic went on as busily as ever, and the Council took the further step of empowering sheriffs and provosts and bailies to take action against all known offenders (pp. 393–4). Evidently, however, the Councillors were engaged in a hopeless task. By ingenious devices which eluded the reach of the law tobacco continued to be sold by all manner of unauthorised persons. The ingenious traffickers would employ their children or servants or other "unresponsall persons" to dispose of it in secret, or by another shift they would slump the price of the tobacco with the price of other goods (pp. 480–1). Apparently at its wits' end, the Council finally announced that heads of families would thenceforth be held responsible for the sale of tobacco by all persons dependent on them, but, as succeeding entries (pp. 462, 501) show, the health of his Majesty's subjects continued to be as greatly endangered as ever by the surreptitious vending of a "corrupted and rottin" substitute for the genuine article.

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

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

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

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

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

The visit of Charles resuscitated the time-honoured laws against regrating and forestalling. As these crimes have not come up for notice in previous Introductions, it may be as well to produce the legal definitions of each as they are given in the proclamation to be presently noted. A forestaller is described as "whoever buyes or causes buy anie merchandice, victual, or other goods whatsoever comming be land or water to anie faire or mercat to burgh or land to be sauld frome anie part within or without this kingdome, or who makes anie contract or promise thereanent before the goods be brought to the faire or mercat place to be sauld, or who sall make anie motioun be word, writt, or message for raising of the prices or deere selling of anie of the saids goods, or who sall disswade or move anie persouns comming to faires or mercats to bring thair commoditeis thereto." Regraters were those "who ever getts in thair possessioun in anie faire or mercat anie kynde of vivers quhilks sall be brought to be sauld and sellis the same over againe in anie faire or mercat haldin in the same place or in anie other faire or mercat within foure myles thairof." Regrating and forestalling had been a natural development under the economic system that had prevailed in Western Europe throughout the Middle Ages, and in every country the legislature had vainly endeavoured to suppress them. Considerably before the reign of Charles, however, new economic developments had in certain countries removed the conditions which had given birth to the regrater and forestaller. In Scotland, however, the ancient conditions continued with little modification; and regrating and forestalling throve as vigorously as ever. If the Council had not troubled
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itself of late with these infringements of the law, it was due to the fact that every effort had long been made to put an end to them. In view of the King's approaching visit, however, it determined to make another vigorous effort to suppress the inveterate mal-practice. The motive of its action is explained in the following expressive passage, which, moreover, gives us an interesting glimpse into the avocations of a considerable proportion of the inhabitants of every burgh in the kingdom:—

"Whereas," the passage runs, "the bypass oversight and impunitie givin to persons formerlie offending in this kynde hes givin boldnesse and encouragement to nombers of base and unworthie people still to continew in that unlawfull and wicked trade, especiallie within the burgh of Edinburgh, Leith, and the Cannogait, West Port, Potteraw, Pleasance, and others parts about the burgh of Edinburgh, where diverse base fellowes, powtrie men, and others attends and awaite upon the he streits leading to the said burgh, and there rancountering with the persons bringing in wyld foule, powtrie, and others commoditeis and vivers to the mercat of Edinburgh they there buy the same at small and unworthie prices, brings the same quyetlie to the burgh of Edinburgh and suburbs thairof, and keeps the same in thair houses and sellers, brings out the same in small parts and portious to the mercat and pretending a skarsitie quhair they have abundance and sufficiencie in thair sellers and houses, they hight and raise the prices at thair unrueilie appetites, shamefullie and mischantlie abusing his Majesteis good subjects and fosters and interteanes both a skarsetie and dearth of these kynde of commoditeis," &c. (pp. 67–69). There was no need for the Council to restate the pains and penalties which the crimes in question entailed; these had been known to many generations of Scottish subjects. By proclamation at the Town Cross, therefore, the lieges were merely reminded that the laws against regrating and forestalling were not a dead letter, and that they would now be enforced with greater stringency than ever.

Colonel Robert Monro, who had distinguished himself under

Gustavus Adolphus,¹ came before the Council with a proposal to

¹ He was the cousin of the Colonel Robert Monro known as the "Black Baron."
which it gave its hearty consent and warrant. Since the outbreak of the Thirty Years' War successive levies of Scots had been raised for service in the Protestant cause. From first to last many thousands of Scots had fought in different parts of Germany under Gustavus and other leaders, and numbers of them were now broken with age or wounds, uncared for either by their own country or the princes under whom they had served. It had, indeed, been a condition of service under the King of Sweden that all who were wounded, officer or private, should receive a pension for the rest of their lives and be allowed either to settle in Sweden or return to their native country, but through culpable neglect in soliciting the Swedish "Director of the Warres" this pledge had hitherto remained unfulfilled. In the first place, therefore, the Colonel besought the Council for an authoritative warrant to approach the Director and exact the fulfilment of this pledge. It was a reproach to Scotland in the eyes of other nations, however, that on its own account it had done nothing to alleviate the condition of the soldiers who had been sent abroad to fight in the cause of religion. His proposal, therefore, was that a hospital should be erected in Scotland to receive such soldiers as were unfit for further service, where they might spend the rest of their lives in the ease and comfort which they deserved. For the maintenance of the hospital contributions would be forthcoming from such officers in foreign service as had risen to honour and riches. As a further source of revenue to the maintenance of the institution the Colonel made another suggestion. During the past ten years great sums of money had been expended in purchasing arms from foreign countries to equip the levies that had been sent beyond sea. Would the Council grant to him and his heirs a three years' monopoly for the making of such arms which they would sell at a cheaper rate than they could be purchased from abroad? The arms thus manufactured would be stored in a magazine within the hospital, and their sale would go far to support it. As the only reward for his labours in building up the institution he would crave that the charge of it might be entrusted to himself during his lifetime, and that thereafter the
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governor should be an officer who had served seven years abroad in his Majesty’s service. As Monro had taken care to gain Charles’s approval of his scheme before submitting it to the Council, he found no difficulty in dealing with that body. Without delay the Lord Advocate was instructed to draw up a Commission, authorising Monro to proceed with his collection from the Scottish officers serving abroad. As a guarantee that all would be done in honour the Colonel was to receive from the Clerk of the Council a book containing eighty-eight leaves, stamped by the Clerk, in which he was to enter the names of the contributors and the sums received, and annually exhibit it for the satisfaction of the Council (pp. 338–6, 349, 353–356).

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

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

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

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

Witchcraft.

The period covered by the present volume of the Register was marked by an unusual interest in witches, both in England and Scotland. In 1634 took place the famous trial of the witches of Lancashire—a county that had long had a notoriety
for producing these persons. The charges brought against them were as extraordinary as any that have been recorded in the case of Scotland, and they received as universal credence in the one country as in the other. The Lancashire witches were accused of raising the storm in which Charles had such a narrow escape in crossing from Burntisland to Leith in the summer of 1633; one was charged with transforming herself into a dog, and another with causing her pail to trundle after her by merely telling it to do so. Bishops, judges, and men of letters gave their faith to such stories, and with the approval and to the delight of a London audience the Lancashire witches were introduced upon the stage—the object of the piece being to show how a sceptical gentleman had been converted to a belief in witchcraft by finding the charge brought home to his wife, whom he thereafter delivers cheerfully to the gibbet. (Gardiner, *History of England*, Vol. VII., pp. 323–326, Ed. 1894). In Scotland during the same period we have no such wholesale proceedings as in the case of the Lancashire witches, yet the business of the Council in this sphere of its duties was even more onerous than usual. There was the case of Elizabeth Bathgate of Eyemouth—a case which reveals one of the most deplorable aspects of the general delusion. According to the woman's own story, she had been all her life "haldin and esteemed by all hir neighbours als honest ane woman" as any in her native town. Some "malicious" persons, however, lodged information against her as being addicted to devilish practices, and in strict accordance with the existing law she was committed to the Tolbooth of Duns by the order of Sir Patrick Home of Ayton and Mr. John Home, her minister. There she was detained for some weeks without being brought to trial, when she appealed to the Council that her case should be heard. The Council gave orders that the trial should take place in the Tolbooth of Edinburgh on the 11th February 1634, and charged the Laird of Ayton to produce her in that place by the 31st of January. She was now conveyed to Edinburgh and still detained in ward at the expense of her husband, who appears to have been convinced of her innocence. When the day fixed for her trial came,
her prosecutors failed to appear, alleging that they could not
travel at such an unseasonable time of the year, and the date
was postponed till the 11th of March. The unfortunate woman
urged that the weather was not likely to be more genial in
March than in February, and craved that she might at least be
released from ward, under caution that she would remain in
Edinburgh—a petition which the Council did not see its way to
grant. Meanwhile, her prosecutors, twelve in all, including the
Laird of Ayton, his wife, and the minister of Eyemouth, had
obtained a commission to lead precognitions against her in the
town of Duns. Against this proceeding, however, the accused
successfully protested; it was against all law, she urged, that
"unfriends" should be accepted as witnesses, and that she should
not have the opportunity of rebutting such evidence as might
be adduced against her. The members of the Council had as
little doubt in the reality of witchcraft as the majority of their
countrymen, but their action, on the whole, was directed
to restraining the zeal of the ministers and local judges. It was
in accordance with this motive, therefore, that they ordered all
the witnesses against her to appear at her trial and "verify their
depositions in her presence upon oath" (pp. 176, 598, 605).
Here the case ends, as far as the present volume is concerned;
but the story, so far as it goes, illustrates the most lamentable
results of the unhappy possession of the public mind—the delay
of the law, the terrible suspense of the accused, the dismay and
shame of family and kin, the gratuitous accusation from which
no one was safe if the finger were raised by private malvolence
or public caprice. In another case recorded we seem to have
an example how the dreaded charge could be vamped up by
ingenious malice or a morbid imagination. George Fraser and
his spouse, Giles Chalmer, were a respectable couple living at
Outlaw, in Banffshire. George fell ill, and requested his
minister, the Rev. James Melville, to summon Dr. Douglas of
Banff to prescribe for him. Minister and doctor, both together,
visited the sick man, and after examination of the patient, the
doctor penned a letter which the minister's man conveyed to the
doctor's wife in Banff. In accordance with the directions con-
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tained in the letter, Mrs. Douglas "under silence of the nicht" proceeded to a certain part of the house garden to which she was directed, moistened it with a cauldron of hot water, as the ground was hard frozen, and, plucking all the herbs that grew on the spot, at once despatched them to her husband for the use of his patient. By the application of these herbs, with the addition of "wine seek," the invalid was straightway restored to his wonted health. It was doubtless the mysterious proceeding in the collection of the herbs that afforded a pretext to a neighbour, Alexander Stewart, to bring an accusation of witchcraft against Fraser and his wife. According to the indictment, Fraser in his sickness had applied to a notorious warlock, John Philip, who had been burned for sorcery. By the warlock's advice Fraser procured water from a south-running well in a white pitcher, and washed himself twice daily with the same till he was cured. So diabolical were the properties of this water that a cat treading on some of it that had been spilled went instantly mad, sprang at the throat of a kirk officer, and "almost worried and strangled him." The rest of the extraordinary story it is needless to relate. Fraser and his wife, however, were luckier than most persons against whom the finger of suspicion was pointed. He had been an "elder of the session for seventeen years," and was able to produce two ministers and a reader to avouch his innocence of all unholy practices—a testimony which was supported by the collective Town Council of Banff (pp. 565, 570-1, 575). In connection with the same subject attention may be drawn to the detailed account of a witch trial to be found at p. 544.

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

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

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

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

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

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

Information which we receive regarding the Orkneys would seem to show that they were passing through a period of manifold trial. First we hear of a petition from them to his Majesty and his Three Estates enumerating three heavy grievances under which they had long suffered and were still suffering. Letters of lawburrows had become so common that sometimes a single "malicious" person would procure them against no fewer than a hundred poor people. Unable to pay the expense of a journey to Edinburgh to find the requisite caution, these persecuted persons were forced to give up such means as they possessed and were thus reduced to destitution. A second iniquity was that pointed goods had to be conveyed to the market-crosses either of Kirkwall or Scalloway—a condition which it was often impossible to meet owing to tempestuous weather in the intervening seas. Finally, poor creditors were unable to press their debtors because decreits of horning and caption were beyond their means to procure. In the case of all these complaints the Council lent a gracious ear, and made arrangements that the grievances should be removed (pp. 122–3).

But not only were the Orcadians afflicted by the injustice of the law—in 1634 they were visited by a famine of unprecedented severity. In a supplication presented by the bishop of Orkney and the bishop of Caithness (for the dearth was equally severe in Caithness) we have a picture of misery presented in language of such point and force that it deserves to be quoted:—"The ground yeilds thame no cornes and the sea affoards no fishes unto thame as formerlie it wount to doe. The picture of death is
scene in the faces of manie. Some devour the sea ware; some eate dogges; some steale foules. Of nyne in a familie seven at once died, the husband and the wyfe expyring at one tyme. Manie are redacted to that extremitie that they ar forced to steale and therafter ar execute; and some have desperateli run in the sea and drownned themselffes. So great is the famine there that the people of meane estait have nothing and these of greater ranke have nothing that they can spare" (p. 284). To such an appeal the Council could not turn a deaf ear, and it authorised a voluntary contribution from all the lieges, of which the Rev. Matthew Wemyss, minister of Holyrood, was appointed the general treasurer (p. 320). What was the result of the appeal does not appear from the present volume, but seven months after (February 1635), we find the inhabitants of the Orkneys and Shetlands directly approaching the Council, and craving its warrant to send representatives to Charles himself to tell him the full tale of their misery (p. 659).

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

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

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

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

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

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REGISTER

OF THE

PRIVY COUNCIL OF SCOTLAND.

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

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

"After our verie heartillie commendationss to your good lordship. Holyrood House, 2nd January, 1633."

Whereas the Kings Majestie is resolved, God willing, to honour this his
ancient kingdom with his royall presence this approacheing spring, and it being necessar and expedient for his Majesteis more contented recep-
tioun heere that his parkes and speciallie that of Falkland be carefullie
kept and hayned and that the hunting and slaying of deir and
vennisoun within the same be forbore, quhairthrow his Majestie may
have the better occasioun of his sport and game, these ar thairfoir
to recommend unto your lordship the care of this businesse quhairin we
doubt not but your lordship will be as respectfull as to the dewtie of
your place appertaines. So committing your lordship to the protectioun
of the Almighty, we rest. Halyrudhous, 2 January, 1633. Subscribitur,
Strathern, B. Yles, B. Dumblane, Arch. Achescoun, S. John Hay,
S. Thomas Hop."

Holyrood
House, 8th
January 1633.

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

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

"The whilk day Mr. John Schairp, younger, advocat, sone in law to
unquhill Sir John Hamilton, lait Clerk of Register, and Mr. William
Wallace, servitor to the said lait Clerk Register, compeirand personallie
before the Lords of Secret Counsell, declared upon oath that to their
knowledge the haill registers and writts that wer in the keeping of the
lait Clerk of Register ar still extant in the Charter hous and studie in
the Exchequer, and that none of thame hes beene abstracted since the
death of the said lait Clerk of Register."

Declaration by
Sir John Hay
anent the same.

"The whilk day Mr. John Schairp, younger, advocat, sone in law to
unquhill Sir John Hamilton, lait Clerk of Register, and Mr. William
Wallace, servitor to the said lait Clerk Register, compeirand personallie
before the Lords of Secret Counsell, declared upon oath that to their
knowledge the haill registers and writts that wer in the keeping of the
lait Clerk of Register and that none of thame hes beene abstracted since the
death of the said lait Clerk of Register."

Letter from his
Majesty anent
the letters-
patent of the
Association for
the Fishing.

"The whilk day the missive letter underwrittin, signed be the Kings
Majestie and direct to the Lords of Privie Counsell, being presentit to
the saide Lords and read in their audience, they ordain the same to be
insert and registrat in the booke of Privie Counsell, of the whilk the
tennour followes:—CHARLES R. Right trustie and right wellbelovit
cousine and counsellor, right trustie and right wellbelovit cousines and
counsellors, and right trustie and wellbelovit counsellors, we greit yow
weill. Whereas we wer pleased by our letters to yow for dateing at
Westminster of the letters patents of the Association for the Fishings
1633.

CHARELS I.

EXPED under the great seales of both kingdomes whiche sould have beene dated at Camburie, these ar thairfoir to approve what is done by yow notwithstanding of our former warrrand, and to will yow to pas ane Act of Counsell thereanent for warrrand of that purpose yow sall thinke fitt, for whiche these sall be a sufficient warrrand to yow. We bid you heartilie farewell. Frome our Court at Whitehall, the twelth day of December, 1632."1

"The whilk day the missive letter underwrittin, signed be the Kinge Majestie and direct to the Lords of Privie Counsell, wes presentit to the saide Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right wellbelovit cousine and counsellor, right trustie and wellbelovit cousines and counsellers, and right trusty and wellbelovit counsellours, we greit yow weill. Having considerit how short a tyme wes appointed to thame of Hamburgh for doing justice in that cauz concerning [the] late Captane Robertesone and his partners and the willingnesse of that State to doe the same with diligence, as we have understood by a commissioner sent by thame expresslie for that purpose, we have thought it reasonable to allow thame a longer tyme for doing thereof; and it is our pleasure that yow caus send some understanding person thither with a procuratorie to persew the parteis there; and in the meane tyme that yow caus delyver the shippes and goodes that wer takin from thame for that caus. And whereas the said commissioner hath givin us sufficient suretie and satisfaction for payment of such sould as sall be found due whossoever the sentence sall be pronounced, it is our further pleasure that the letters of reprisall grantit for this effect be discharged and suspended untill we sall find caus for renewing of thame, which we meant to doe heerafter if justice be delayed or refused by them. For, as we desire to deale justlie with our neighbour estate, so we will not have our subjects to suffer unjustlie by thame. So recommending this to be done with diligence, we bid yow farewell. Frome our Court at Whitehall, the 23 of December, 1632. Qhillk missive being read and considerit be the saide Lords, they ordaine the Erle of Linlithgow, Admirall, the Erle of Rothes, and rest of the said Captane Robertesons partners to be warned to Tuisday next to heare his Majestie letter obeyed."2

"The whilk day the missive letter underwrittin, signed be the Kinge Majestie and direct to the Lords of Privie Counsell, being presentit to the saide Lords and read in thair audience, they ordained the same to be insert and registraz in the bookes of Privie Counsell, of the whilk the tennour followes:—CHARLES R. Right trustie and right wellbelovit cousine and counsellor, right trustie and right wellbelovit cousines and counsellours, and right trusty and wellbelovit counsellours, we greit yow

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1 An account of the "Association for Fish" will be found in the Introduction to the preceding volume of the Register.
2 See Indexes to the three preceding volumes of the Register regarding the relations of Captain Robertson to the Hamburghers.
reg. Register of the council. 1633.

weill. We have sufficientlie expressd our resolution to yow for repairing (God willing) the nixt sommer to that our ancient kingdom, for receaving our crowne and holding a parliament there, having writtin unto yow that a speciall and tymely care might be had for giving order to provide in generall for all things necessar and decent for our reception and interteament during our abode there. Bot becaus there be divers things in particular concerning our interteament whairof in a peculiar maner a speciall care sould be had by our Treasurers, principal and deputie, upon whome we have now imposed a charge thairof, and that the tymely foreseeing and provyding for the same will require more than one ordinar care and burdein, our pleasure is that from tymne [to tyme], as our saids officers or anie of thame sall have occassion to require your advice and aide, yow furthwith assist and concurre with thame or anie of thame in the speedie execution of what we have particularlie imposed upon thame, or in anie other thing yow sall finde requisite for our service in that kynde. We bid yow farewell. From our Court at Whitehall, the 28 of December, 1632."

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

"A Committee to the Thesaurar, President, Privie Seale, Wintoun, Carnegie, Thesaurar Depute, and Sir James Baillie, or anie thirie, the Deputie Thesaurar being one, without excluding anie of the Counsell who pleases to be present, for considering and advysing upon suche things as ar fitt to be prepared and in readines at his Majestie heere-
comming."

Sedrunt—Privy Seal; Wintoun; Annerdaill; Lauderdaleil; Air; Bishop of Dumblane; Bishop of the Yles; Tracoquair; Master of Elphinstone; Secretary; Clerk Register; Advocate; Sir James Baillie.

Holyrood House, 10th January 1633.

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

"Forsamecklie as the Kings Majestie is resolved, God willing, to honour this his ancient kingdome with his royal presence this approaching sommer, and whereas it importes verie muche to the honnour and credite of the kingdome that his Majestie tryne and followers, amongs whomere there will be a great nombre of the nobilitie and of others persons of good ranke and qualitie of the kingdome of England, be commodiouslie and hantsomelie lodged in all the touns where his Majestie will reside for the tryne, and that these touns be weill and sufficientlie furnished with all kynde of vivers and provision for man and hors, that their lodgings be cleane, hantsome and neate, that the bedding and naperie be cleane and weill smelld, that the puter vessells be of sufficient largenesse, that no filth nor middings be scene upon their streets and that no beggers be scene upon their bounds; and seing his Majestie will honnour the touns following, to wit, Edinburgh and the Cannogait, Linlithgow, Stirline, Dunfermeline and Falkland with his royall presence, and that during his Majestie stay at Dunglas ane great part of his tryne and followers must be lodged in Dumbar and Hadinton, and during his abode in Seaton some of his tryne must be lodged at Tranent, Mussilburgh and Dalkeith, thairfor it becomes thame tymouslie to foresee and to provide that there be no enlaik of anie kynde of provision and furnishing in thair touns and that all things be soe orderlie and hantsomelie prepared and dressed within the same as may give his Majestie and his tryne contentment. And for this effect ordains letters to be direct charging the provests and bailleis of the burrowes and touns particularlie abonewrittin, as alsa the bailleis of Leith, West Port and
Potterraw to compeir be ane of their number sufficiently instructed for their toun before the Lords of Privie Counsell upon the 24 of January instant and to bring and produce with thame ane perfyte catalogue and roll of the hail lodgings and stables within their touns and what number of persons everie lodging will commodiouslie and convenientlie lodge, and what number of horses their stables will conteane; and that the said catalogue and roll conteane the names of the persons, owners of the saids lodgings and stables, and in what parts of their touns the saids lodgings and stables ar; and to underly suche forder order as sal be injoynde unto thame both anent the keeping of their touns cleane frome filth and provyding the same sufficientlie with all kynde of furniture for men and hors and anent suche others things as sal be prescryved and injoynde unto thame under the pane of rebellion, etc., with certificatioun, etc."

"Forsameekele as it is understand to the Lords of Secrete Counsell that there is great appearance of trouble and unquyetnes lyke to fall out betuix John, Erle of Annerdaill, James Maxuell of Springkell and James Johnston of that Ilke anent the meiths and marches of certane lands contraverted betuix thame, quhilkis will not faile to produce foder inconveniences to the breke of his Majesteis peace without remeid be provydit; thairfor the Lords of Secreet Counsell ordains letters to be direct charging the saids three partis to compeir before the saids Lords upon the day of Marche nixt to underly suche course and order as sal be tane with thame tuiching the observing of his Majesteis peace and keeping good rule and quyetnes in the countrie under the pane of rebellion, etc., with certificatioun, etc.; and in the meane tyme to command, charge and inhibite the saids partis that they nor name of thame presoom nor take upon hand to invade, persew, trouble nor molest one another for whatsoever deid, caus or occasion outherwayes Fol. 177, a., nor be order of law and justice, every ane of thame under the pane of ten thousands merkes; certifying thame that failyeis and does in the contrare that they sal be decerned to have incurrerd and to incurr the said pane of ten thousand merkes, and letters and executorials sal be direct aganis thame for payment thairof to his Majesteis thesaurur, deputie thesaurur and receivers of his Majesteis rents in his Majesteis name and to his Majesteis use in forme as eiffurs."

"The Lords of Secreet Counsell assignes to the commissioners for the burgh of Edinburgh and to the officiars of the Cunziehous Tuisday nixt to produce and give in to the Counsell thair answeres in writ to the proposition sent doun be his Majestie for rectifieing the abuse of the course of dollers."

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

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

"The whilk day Sir Archibald Achesone of Glencarnie, knight baronnet, Secretar to our Soverane Lord, produced and exhibite before the Lords of Privie Counsell the missive letter underwritten, signed be the Kings Majestie and directed to the saide Lords concerning M' George Nicoll his tryell before his Majesteis Justice for certane crimines mentioned in the said letter, quhilk being read, heard and considerit be the saide Lords and they advised therewith, the Lords of Secret Counsell ordains the said letter to be insert and registrat in the bookes of Privie Counsell and ane extract thairof to be givin to Sir Thomas Hope of Craighall, knight baronnett, his Majesteis Advocat, to be made use of be him in the criminall persute aganis the said M' George Nicoll, of the whilk letter the tennour followes:—CHARLES R. Right trusty and right welbelovit coseine and counsellor, right trustie and welbelovit coseines and counsellers, and right trustie and welbelovit counsellours, we greet yow weill. Some papers being presented to us by one George Nicoll, who did thereby pretend the increase of our reueneu and good of our service, offering withall to qualifie some great neglects and abuses committed by some of our cheefe officers to our prejudice, we wer pleased to call him before us and heare him at lenth at several tymes. Bot finding that, in the one he had most boldlie suggested unto us unjust and malicious calunnies aganis our officers and, in the other had whollie succumbed in what he had undertakin to make good for our benefite; wherewith we being justlie offended ar heirby pleased to acquaint yow with the same becuase of the foolish and scandalous rumors that have bee spread by this meanes, and to remitt him thither to be punished that all others not warranteed with verie just and evident grounds may by his exemple be terrified frome attempting the lyke hereafter. To whiche purpose we have appointed our Advocat to persew him before our Justice Generall or his deputis till a finall sentence be givin aganis him according to justice; and till that tyme we ar willing that he remaine as a delinquent in saife and close custodie within the tolbuith of our burgh of Edinburgh. We bid yow heartlie farewell. Frome our Court at Whitehall, the 21 of December, 1632."

"Forsameekle as it is understand to the Lords of Secret Counsell that diverse persons dwelling ewest to his Majesteis parke of Falkland daylie haunts and resortes throw the same, makes rods and passages therein, hunts and hawkes throw the same, breaks down the paill and dykes thereof, hails and pastours thair bestiall and goods within the said parke, quhairthow his Majesteis awne deir ar verie farre weackenned and driven to the point of starving; and if ane of his Majesteis deir happen at some tyme to raike out of the parke the countrie people thereabout hunts and slayes thame, in high and proud contempt of his Majestie, and apoyle of his gayme now at his intended heere-comming.
Thairfoir the Lords of Secret Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majestie lieges and subjects, be opin proclamatioun at the mercat croce of Falkland and at the parish kirks nixt adjacent to the said parke upon Sundays before noone in tyme of sermon or prayers, that none of thame presomme nor take upon hand to resort nor repaire within the saids parkes, hunt nor hawke therein, breake downe the paill nor dykes of the same, nor putt, hold nor pastour anie bestiall or goods within the saids parkes and medowes but licence of the Erle of Annerdaill, his Majestie foster and keeper of the saids parkes; and siclyke that none of thame presomme nor take upon hand to hunt nor slay anie of his Majestie deir that sall happein to raike out of the said parke, under the panes following, to witt, to be punished in thair persons be warding in the palace of Falkland, and forder to be fynned in suche somes of money as sall be imposed upon thame at the sight and discretioune of his Majestie Counsell."

"The whilk day John Sinclair, baillie and commissioner for the burgh of Edinburgh, Johne Achesone, generall of the Cunziehous, and George Foullis, maister of the Cunziehous, compierand personalle before the Lords of Privie Counsell, gave in everie one of thame thair several answers with thair overtures to the proposition made be M’ Briot for rectifieing the abuse and course of dollars within this kingdome; the advisement and consideratioun of whiche answers and overtures the saids Lords continewes till this day aucht dayes." ¹

"Charges agains the shireffs for production before the Counsell of the act of election of commissioners to the parliament."

"Missives to be writtin to the commissioners appointed for revising of the lawes for a meiting to be kepeed be thame heere upon the 20 of Februar."

"Charges agains the Marqueis of Huntlie for exhibitioun of certane excommunicat rebellis dwelling upon his ground."

"Sederunt—Stratherne; Privy Seal; Wigtoun; Air; Bishop of Holyroodhouse; Bishop of the Yles; Carnegie; Traquair; Secretary; January 1638. Clerk Register; Advocate."

"Forsameekle as the Kings Majestie is resolved, God willing, to honnour this his ancient kingdome with his royall presence this approacheing sommer; and whereas there will be ane number of occasiouns daylie interveneung concerning his Majestie contented receptioun heir for the honnour and credite of the countrie qhilkis will require a daylie sitting of some of his Majestie Counsell, and may not abide the ordinair meetings of a full number thairof; and the Lords of Secret Counsell being carefull to forsee all occasiouns qhilkis may advance the tymous dispatche and

¹ See Index to previous volume of the Register for Briot’s proposals for the reform of the currency.
orderlie disposing and provyding of all things concerning this important mater, thairfor the saids Lords hee givin and grantit and be the tennour heerof gives and grants full power and commissioun to George, Vicount of Dupline, Lord High Chancelour of this kynsdome; William, Erle of Morton, Thesauror; William, Erle of Stratherne, Lord President of his Majesteis Counsell; Thomas, Erle of Hadinton, Lord Privie Seale; Adame, Bishop of Dumblane; David, Lord Carnegie; Johne, Lord Steurt of Traequair, Deputie Thesauror; Sir Archibald Acheseone of Glencarnie, knight baronnet, Secretar; Sir John Hay of Lands, knight, Clerk of Register; Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat; and Sir James Baillie of Lochend, or anie twa of thame with the saids Thesauror or Deputie Thesauror, to convene and meit daylie in his Majesteis Exchecker Hous at Edinburgh about nyne of the clocke in the forenoon, and to begin the morn the 18 of this instant, or at suche others tymes and places as the saids commissioners or anie twa of thame with the saids Thesauror or Deputie Thesauror sall appoint, and there to conferre, advise, consult, conclude and determine upon all and every thing fitting and requisite to be prepared and provydit, aganis his Majesteis heerecomming and to give directions thereanent be missives or otherwayes as they sall thinke good. Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin."

"The whilk day the Lords of Secrett Counsell having heard the relation and report made be William, Vicount of Air, tuiching the executioun of the submissioun made unto him and some others mentioned in the said submission be Johne, Erle of Annderaill, James Maxwell of Springkell and James Johnstone of that Ik. See ante, p. 6. for the full text.
day of April nixtocome and underly suche forder order as the saids Lords shall injoyne unto thame under the panes respective abowenwrittin. Lykeas the saids James Johnestoun and James Maxwell, being callit upon and compaird personallie and this present ordinance intimat unto thame, they reverentlie acquiescit thereunto and actit and obliest thame to observe, keepe and fulfill the same in everie point under the panes respective foresaids; lykeas the said Vicount of Air promeist to speke with the Countesse of Annerdaill anent this mater, and if she fand not the lyke obligement for the said Erle, her husband, that than he sould act himselfe as cautioner for him in maner and to the effect abowenwrittin. Lykeas the saids Lords declares that this enacting of the persons particularie abowenwritten nor promiscuous possession foresaid sall not be prejudicial to thame nor nane of thame anent the right and possession of the bounds and moasses foresaids nor anent anie actionin competent to thame be vertew thairof whilks ar all reserved to the saids parteis to be perserved and discust before the Judge competent be the ordinar course of law and justice."

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

"Missives writtin to the commissioners for revising of the lawes; and suche as wer this day present ar warned apud acta to conveene with the rest upon the 28 of Februair nixt."

After our verie heartilie commendationis. Whereas the King's Majestie is most solist and earnest that the commission grantit for revising of the lawes be carefullie followed out by these to whos charge the same is committed that according to the intent thairof all things may be in readinesse to be rectified and ordered in the nixth Parliament, for the better effectuating of the whiche bussines there is a meeting of the whole commissioners appointed to be heere at Halyrudhous upon the 20 day of Februair nixtocome, and yow being one of that number, these are to request and desire yow that yow faile not, all excuseis set aside, to keepe the said dyet precieisie and to concurre with the rest of the commissioners by your best advice and endeavours for performance of these things whiche by the said commissionar concreditie to your care. Whiche looking assuredlie yow will doe we committ yow to God.

"Forsameekle as the Lords of Secret Counsell ar informed that at the Order of Council to certain sheriffs to proceed to the election of Commissioners for the small barons and free holders within the severall shireldomes of this kingdome to attend his..."
Majesteis parliaments and generall counsellis, there was no electioune made at all of the saids commissioners within manie of the shirefdomes of this kingdome, at least the same was not formalie nor lawfullie led according to the order prescyrved be the Act of Parliament, qhilk is ane great omiission and neglect of dweitie in these to whom charge the said electioune appertained, and throw occasioni whairof his Majesteis service and the publick affaires of the estait be to intreated at this approacheing parliament will receive verie great hurt and prejudice without remeïd be provydit; thairfoir the Lords of Secreit Counsell ordains letters to be direct charging the shirefis of the shirefdomes of Edinburgh principall, constabularie of Hadinton, Beruick, Roxburgh, Selkirk, Peebles, Lanerk, Dumfreis, Wigtown, Linlithgow, Stirlin, Air, Renfrew, Dumbartane, Clackmannane, Fyfe, Kinrosscher, Perth, Forfar, Kincardin, Aberdein, Bamf, Elgine, Forres, Narne, Invernes, Cromartie, Caithnes, Sutherland and Orkney, and thair deputis and the commissioners who wer nominat within the saids shirefdomes to attend the said parliament this last yeere bygane and who hes not made anie nominatien nor electioune at all, that they and everie ane of thame with all convenient diligence convene the small barons and freeholders within the saids shirefdomes respective and at thair meetings that they nominat some speciall persons, freeholders of his Majesteis, to be commissioners for the saids shirefdomes respective at all parliaments and generall counsellis during this present yeere, and that they compeir before the Lords of Privie Counsell upon the days particularlie underwrittin, viz., the saids haill sheriffis and thair deputis and commissioners dwelling benorth the Water of Tay upon the fourteene day of Marche nixtocome, and the saids haill shirefis and thair deputis and commissioners foresaids dwelling besouth the said Water of Tay upon the 26 day of Februarie nixtocome, and that they and everie ane of thame bring and produce with thame before the saids Lords the dayes respective abonewrittin ane formal record and act in writt sealed and subscribed according to the forme and order prescyrved be the said Act of Parliament concerning the nomination and election of the saids commissioners, under the pane of rebellion, etc., with certification, etc."

Order to his Majesty's Master of Works to repair Holyrood Kirk.

"Forsameekle as the King's Majestie has resolved that his coronation stall, God willing, be in the Abbey Kirk of Halyrudhous, and whereas it is verie requisite both for the credite of the countrie and for the solemniteit of this important actioun that the said kirk be repaired and ordered in suche a decent and comelie maner as is most fitting for suche ane great and honourable actioun, thairfoir the Lords of Secret Counsell ordains and commands James Murray and Antony Alexander, Maisters of his Majesteis Workes, to enter with all possible diligence to the repairing and ordering of the said kirk in the particulars following, viz. —to take down the east gavell within the great archie where the old window is, and to erect and build up ane faire new window of good stane
worke, and als a window in the east end of the north yle; and forder to build up the north-west steple with stone, timber and leade, and to make it fitt to receave a pale of bells; as alsua to helpe and repair the south-west steple so farre of it as must be in sight, and to repaire and make new the great west doore with stone and timber; and alsua to repair the hail west gavell with some lights to be stricken out therein with the twa turnepycches to be partlie takin down and well repaired and thackd in good order; as alsua to remove the hail loftes and dekses, and to repaire the hail breaches and defects of all the pillers, and to helpe the plaistering of the north yle and to swettin and sett it aff in good sort conforme to the south yle; as alsua to prepare and have in readines als manie daillis, trees, sparres, and naillis as sall be thought necessar for erecting of the King's Majestie's throne and others degrees of honnour with suche barricats and loftes as sall be necessar; and ordains the saids maisters of warkes to begin to the saids warkes with all possible diligence and to provide warkmen and all materials necessar where ever they can be best and soonest had; for doing of whikls premises this present act sall be to thame ane warrand; and ordains his Majestie's Thesaurar and Deputie Thesaurar to furnishe moneyes fra tyme to tyme as the necessitie of the service sall require."

"The Lords of Secreit Counsell, finding it necessar and expedient for the honnour and credite of the kingdome and for his Majestie's contented recciption heere, that the hie wayes and passages throw the quhilk his Majestie progresse will ly be mended, helped and enlarged and made passeable for coaches and horses, thairfor the saids Lords hes nominat and appointed the persons following within the bounds particularlie underwrittin to ryde the saids hie wayes and passages and to consider what places neid ather enlarging or mending of the wayes, fuirlds, bridges or passage, and after exact consideration thairof to preserveye and publishe the order whilk they sall find most meit and easie to repair the necessar defects foresaidis by the travellis and charges of the inhabitants within the saids bounds, and the saids orders to be perfytte betuix and the day of nixtocos; and that it be straitlie injoynd to the shireffis and justices of peace to have ane care to see the directions to be givin to thame and the order and rule to be sett down in this bussines to be performed, and that they rander ane accompt of the diligence of the contrye where they dwell to his Majestie's Counsell upon the day of that if anie thing be restit undone and perfytte they who sall be found negligent or undewtifull may be censured and punished; and if all of thame who ar in the commission saill not be present that suche of thame as ar present doe that quhilk is injoynd to be performed be the whole; and that the saids commissioners report to the Counsell upon the day of their whole proceedings in this mater and of the order to be sett down be thame and be the shireffis and justices of peace and all that hes proceedit therein.
Followes the names of the commissioners nominat and appointed for this service, viz.—for the wayes and boundes betuix Beruick and Dunglas, the Lairds of Langton and Blacader, Sir James Baillie, M’ James Nicolson of Colbrandspeth and the Erle of Homs baillie; for the bounds betuix Dunglas and Seatoun, the Erle of Winton, the Lord Yester, the Laird of Wauchtown, Sir Robert Hepburn and M’ James Sydserf of Rouchla; for the bounds betuix Seatoun and Dalkeith and fra that to the West Port of Edinburgh and fra Dalkeith to Leith and fra that to the West Port, the Erle of Lothiane, the Lord Ramsay, Sir William Nisbet, the Laird of Preston, the Laird of Lugtoun and the Laird of Edmiston; for the bounds betuix Edinburgh and Linlithgow, the Erles of Wintoun and Linlithgow, the Lairds of Dunias and Corstorphine, Johne Dundas of Newliston and Thomas Dalryell; for the bounds betuix Linlithgow and Stirline, the Erles of Linlithgow and Wigtoun, the Lairds of Powmais and Keir; for the bounds betuix Stirline and Dumfermline, the Erles of Mar, the Lairds of Clackmannan, elder and younger, the Laird of Tulliallan, John Areskine of Balgownie, Sir John Preston of Walifeld and Alexander Bruce of Ava; for the bounds betuix Dumfermline and Falkland, the Erle of Rothes, the Lord Burtle, the Laird of Balward, the Lairds of Pitfirran and Randifurd and M’ Thomas Wardlaw; for the bounds betuix Stirline and Falkland, the Lairds of Cleish, Aldie, Dowhill, Sauthie and Alexander Bruce of Ava; for the bounds betuix Falkland and Bruntilland, the Lords Melvill, Burtle and Wemes, the Lairds of Balvaird, Balmowto and Balfour.

“The Lords of Secret Counsell finds it verie necessar and accordinglie ordains Johne, Lord Stewart of Tracquair, deputie Thesaurour, to caus buy ten or twelffe hors for the forderance of his Majestie carriage, and to advance sax hundreth pundis Scotishe mony to Andrew Ker, stables, who is imployed to buy thir hors, and that upon compt, and for the quhilk soume the said Andrew, being present, promise to be comptable and answerable; and ordains him to use all possible diligence in this mater.”

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

“The whilk day in presence of the Lords of Secret Counsell compeired personallie William, Viscount of Ayr, and become actit and obliest as cautioner and souertie for Johne, Erle of Annderdaile, for himself and takand the burdein on him for his men, tennents and servants, that the said Erle sall observe and kepe his Majestie peace with James Maxwell of Springkell and James Johnestoun of that Ilke, and that the said Erle nor his men, tennents nor servants sall not interrupt the saids
James Maxwell and James Johnestoun nor their tennentes and servants to pastour promiscuouslie in the bounds and mosses contrverted betuix the saids parteis and particularie mentione in the submission made be thame to the said Vicount of Air and some others nominat therein till it be decyded be order of law to whome the said ground and mosses appertane ; and siclyke that the said Erle sall absteane and forbeare from all casting or winning of peittis or fewell within the saids bounds and mosses contrverted untyll the first day of Junij nixtocom under the pane of fyve thousands merkes ; as alsa the said Erle sall compeir personallie before the saids Lords upon the first Counsell day of Aprile nixtocom and underly suche forder order as the saids Lords sall injoyne unto him in the mater under the said pane of fyve thousand merkes. Lykewise the saids Lords declares that this cautioun found be the said Erle nor promiscuous possessioun foresaid sall not be prejudiciall to him anent his right and possessioun of the bounds and mosses foresaid nor anent anie action incomptent to him be vertew thairef quihils ar all reserved to the said Erle to be persewed and discust before the judge competent according to the course of law and justice."

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

"Continewes his Majestie letter anent the Hamburgers till Thursiday, and ordanis the Hamburgers to have a copie of the defence givin in be the pategorys of Captane Robertsson."

"After our verie heartie commendatiouns to your good lordship.

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

Holyrood House, 24th January 1633.

Sederunt—Stratherne, preses; Privy Seal; Mar; Linlithgow; Wintoun; Wigtoun; Bishop of Dumblane; Bishop of the Iles Carnegie; Secretary; Clerk Register; Advocate; Sir James Baillie.

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

"The Lords of Secret Counsell having considerit and at length debated his Majesteis letter sent unto thame concerning the Hamburghers and the shippes and goods tane from thame be vertew of the letters of reprisall grantit to umquhill Captane Robertsone and to Captane James Orrock, the saids Lords in obedience of his Majesteis pleasure signified by his said letter, finds that the letters of reprisall sall be suspended and surcease till his Majestie give new order thereanent; that the parteis interested in the letters of reprisall sall send a sufficient person authorized with a lawfull procuratorie to Hamburgh to persee redresse and reparatikon of the wrong sustained by thame, and in the meane tyme that the ship and goods takin and intromitted with be vertew of the letters of reprisall sall remaine where they ar, cautiou being found to make the same furth-
cummand to the persons having right thereto after satisfactioun made be the Hamburghers; allowing always the Lord Admirall of this kydome to sell suche perishable goods as cannot be preserved to the best avall; and that ane letter be writtin to his Majestie to acquaint him therewith and humbelie to desire his Majestie that for the privilidge of the countrie and the parteis ease the suretie for satisfactioun found in England may be transferred and renewed heere, which being done, that in England to be voide."
"Forsameekle as our soverane lords awne earnest desire, the heartie 
wise and prayers of his most loving subjects of this kingdome and the 
affaires of the estate both for receaving of his crowne and holding of a 
parliment, hes invited his Majestie thir diverse yeeres bygane to 
honour the same with his royall presence, and the impediments quhilk 
fr tym to tym wer ane latt and hinder of the accomplishment of his 
Majesties intended journey hither being now by Gods assistance 
removed, his Majestie hes resolved, God willing, in this approacheing 
spring to begin his journey heere. And whereas his Majesties repaire 
hither will necessarilie draw with his Majestie great numbers of the 
nobilitie and gentzie of the kingdome of England, for whois recreatioun, 
exercize and pastyme necessar it is that there sall be ane forbearance of 
the slaughter of wylde foule and vennisoun for some certane space, 
whereby the same may be the more abundant for the use and inter-
teanement of his Majesties Court and for the credite and reputation 
of the kingdome; thairfor the Lords of Secret Counsell ordains letters to 
be direct to command, charge and inhibite all and sindrie his Majesties 
lieges and subjects of what qualitie or degree soever they be, be opin 
proclamation at the mercat crocres of the heid burrowes of this king-
dome and others place neidfull that none of thame presomme nor take 
upon hand to slay, sell, buy or eate anie kynde of pertridges, blacke 
cockes, earth hennes, termigants, capercailyes and murefoullis nor no 
vennisoun at anie tymre after the publication heirof whill the last day 
of Marche nixt under the pane of ane hundreth punds to be incurred be 
everie persoun contraveneing the premissee sa oft as he or she sall failzie 
or contravene ; whilk contraventioun and failzie sall be tryed ather be 
their awne oath or be witnesses as accords of the law: And whereas the 
person or persons contraveneing ar not able to pay the said soume they 
shall be punished in thair persons by warding and feeding upon bread 
and water at the arbitrement of his Majesties Counsell: And siclyke to 
intimat and declare to all and sindrie person or persons that who ever 
will reveale and show to his Majesties Counsell or Deputie Thesaurar 
where and be whome anie of the kyndes of wylde foule foresaid and 
vennisoun is slaine, sauld, bought or catin and will furnishe probatition 
for the same, that not onelie thair names sall be concealed, but they sall 
have twentie punds of everie contraventioun that sall be tryed and 
decerned be thair meanes: And siclyke to command, charge and inhibite 
all and sindrie his Majesties lieges and subjects be opin proclamationi, 
as said is, that none of them presomme nor take upon hand to hunt hares 
ather with ratches or grewhounds within aucht myles of the palaces of 
Halyruhous, Linlithgow, Stirline, Dumfermeline or Falkland under the 
panes conteanit in the former Acts of Parliament and Secret Counsell 
made thereanent, certifing thame that sall doe in the contrarie that the 
saids panes sall be inflicted upon thame without favour: and siclyke to 
command and charge all and sindrie stewarts, justices of peace, magistrates
within burgh and all others bearing anie office, charge or commandement Acts, June 1632-June 1634.
under his Majestie, everie ane of thame within their awne bounds, limits and jurisdiction, that they and everie ane of thame have anie speciall care, and regarde to see this proclamatioun proceialie observed and keepted Fol. 118*, b.
within their bounds and that they suffer no mercat to be made nor kepted for anie kynde of the wylye foule abonespecifit, nor nane to be sauld in houses nor sellers bot that they appoint searchers and visitors to discover and try where there sall be anie breake of this ordinance, as they will answer to his Majestie and his Counsell upon the deutfull discharge of their offices."

"The Lords ordaines the burrowes that ar charged anent fed beiff and lodgings and the owners of hay to attend the Committee the morn in the Exchecker Hous at nyne of the clocke in the morning."

__Sederunts, ante meridiem__—Stratherne; Privy Seal; Linlithgow; Wintoun; Arekine; Bishop of Dumblane; Bishop of the Yles; Carnegie; Traquair; Secretary; Clerk of Register; Advocate; Sir James Baillie.

__Letter from his Majesty anent the Lady Luss.__

"The whilck day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presentit to the saids lords and read in thair audience, of the quhill the tennour followes:—Right trusty and right weilbelovit cousine and counsellor, right trusty and weilbelovit cousines and counsellers and trusty and weilbelovit counsellours, we greit yow weill: Having resolved to give suche ane anser as we in our princelic judgement sall think fitt to ane humble sute made to us in behalfe of the Ladie Lusse that she might have a sufficient maintenance allowed for the interteanement of her selfe and childrein, becaus (as she affirmeth) she hath none for the present tyme, Our pleasure is that yow informe your selffis frome suche persons to whom the Laird of Lusse hath entrusted the managing of his estate or other waiyes, as yow sall think fitt, how the said ladie is provided and certifie us thairof, and of the estate of that hous as now it is, with the whole debts wherewith it is burdenned and what will fall to us by his escheit, wherein we will expect to heare frome yow with suche conveniencie as may be. We bid yow farewell. Frome our Court at Whitehall, the 12 of Januar, 1633. Quhillk missive being heard and considerrit be the saids Lords they ordaine missives to be writtin to the said Ladie and to the chamberlans and factors of the living of Lusse for thair compeirance before the Counsall to satisfie the desire of his Majestie's letter."

__Eodem die, post meridiem, Sederunt ut supra except Arekine, Yles and Advocat._

"The Lords of Secret Counsell hes thought meit and expedient and
accordinglie ordains and commands John, Lord Stewart of Traquair, dollars to be prosecuted.

The Lords of Secret Counsell having heard and considerit the proposition made by Alexander, Erle of Linlithgow and Admirall of this kingdome, tuicheing John Brown, indweller in Paisley, accused of buying goods from a pirate, to be freed and freedome furth of the said tolbuith, he first acting himselfe for his compereince before the said Lord Admirall when ever he sall be lawfullie charged to that effect under the pane of death; the doing whairof this act sall be unto the said Lord Admirall ane warrand.”

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


Sederunts, November 1632-January 1633. Vol. 98, b.

Lord Letters, 1623-33. P. 226, b.
the saide goods wer takin bona fide be vertew of the saide reprisalls after Royal Letter 1632-33 that the parteis losses and wronges wer provin before the Judge of the Admiralitie of England, as we ar informed. And in regarde that some of the goods ar perishable and cannot be preserved anie longer, thairfor we have ordaine such to be sauld at the best advantage at the sight of your Majestie's Admirall and the same being so sold we have takin securitie to make the prices thairof forthcoming to anie parteis interested after satisfactiou made to the heyres, executors, partners or assignees of the said Robertsoun, as said is; and if the State of Hamborrow hes found securitie to your Majestie for satisfieing of quhat sall be adjudged, we doe humbelie pray your Majestie to transmitt the said securitie into this kingdome that the parteis being now forced to sue in suche a furrane countrie as Hamborrow may not thereafter be compelled to seeke executioun aganis the sureteis in England or in anie furrane countrie thairof the lawes and customes ar unkowne to thame. And as by your Majestie said letter we doe perceve your Majestie royall care not onelie to deale justlie with your nighbour States but also to preserve your Majestie good subjects from wrong and prejudice so we doe humbelie pray and beseeche your Majestie to contineu in that royall and princelie resolution as a marke of your Majestie justice and equitie commendable to the world and all succeeding posteritie; and so with our humble and heartie prayers for your Majestie long health and happines, we rest, etc. Halyrudhous, 28 January, 1633. Subscritur, Stratherne, Hadintoun, Winton, Linlithgou, Carnegie, Tracquair, B. Dumblane, Secretar, Clerk Register, James Baillie.

Holyrood House, 29th January 1633. Sederunt—Stratherne; Privy Seal; Linlithgow; Winton; Bishop of Dumblane; Bishop of the Yles; Lord Areskin; Carnegie, Tracquair; Secretary; Advocate.

Decision anent Nicholas Briot's proposal for amending the coinage postponed. See ante, p. 9.

Amant the provision for the Lady Lusse. See ante, p. 18.

The whilk day the Lords of Secret Counsell having read and considderit the proposittions made by Nicholas Briot for reforming the abuse of the course of furrane coyne with the answeres made thereto be the Burrowes and officers of the Coynehoues, togidder with the overtures propouned be thame for rectifieing the abuse, and finding the bussines to be of great weight and hardlie upon the suddane to be resolved, they have thairfor continew this mater to ane further deliberation and required the Burrowes, who wer present, to give a sufficient procuratorie to the towne of Edinburgh to compair before the Counsell and to conferre and treate with thame anent the money at suche tymes as they sall be callit."

"The whilk day in presence of the Lords of Secret Counsell compeire personallie Johne Colquhoun of Balvie, brother to the Laird of Lusse, and Mr Johne Andersone, chamberlane to the Lady Lusse, unto whom the saide Lords made intimation of his Majestie direction for
tryell of the Laird of Lusse his estait, and ordains thame to conveene the factors and chamberlans and to sett doun a perfyte rentall of the said estait, holding and burdeins thairof, and of the ladeis conjunct fee lands, and to report to the Counsell the first Counsell day of Marche nixt.”

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

Charge to all persons inhabiting his Majesty’s palaces to remove from them in view of his Majesty’s approaching visit.

“Forsameekle as it is verie necessar and expedient for the better accommodating and lodging of his Majestie and his tryne in his Majesteis awne houses of the castellis of Edinburgh and Stirling, and of his palaces of Linlithgow, Falkland and Dumfermeline and Halyrudhous that all persons who dwellis within the saids houses or possessis anie rounes or chambers within the same sall remove thame selffes, thair servants and goods furth thairof and leave the same voide and red and delyver the keyes thairof to his Majesteis Thesaurar or Deputie Thesaurar, or to the Maisters of his Majesteis Warkes, to the intent that all the saids houses may be readie and patent to his Majesteis harbinger and that he may designe and appoint the same to suche of his Majesteis tryne as he sall thinke meit; thairfor ordains letters to be direct charging all persons dwelling within anie of his Majesteis houses foresaidis or who possessis anie chambers or rounes within the same to remove thame selffes, thair servants and goods furth thairof and leave the same voide and delyver the keyes thairof to his Majesteis said Thesaurar and Deputie Thesaurar, or to the Maisters of his Majesteis Warkes, to the intent and purpose foresaid, within 48 houreis after the charge under the pane of rebellioun, etc., and if they faillye to denunce, etc.”

“The Lords of Secret Counsell having read; heard and considereth the desire of the petitioun givin in be M’ Laurence McGill, M’ Robert McGill, M’ Thomas Nicolson, younger, and M’ John Gilmour, advocate, procurators constitute be the Lords of Counsell and Session for the defence of M’ George Nicoll in his criminal tryell before his Majesteis Justice upon Fryday nixt, the first day of Februar, for the causes contenit in the dittay givin in aganis the said M’ George theraeant, and the saids Lords being weill advised with the said petitioun and desire thairof, they find the same in the point underwritten allanerlie to be reasonable, and conforme thereto the saids Lords ordains ane copie of the said dittay to be givin to the saids advocate the morn in judgement and from thence furth ordains the provest and baillies of Edinburgh and keeper of thair jayle to grant accesse within the said jayle to the said advocate to the intent they may conferre with the said M’ George anent his lawfull defences till Tuesday nixt, quhilk is the dyet of new appointed for his tryell, and if the saids advocate hes anie thing to propone to the saids Lords on the behalfe of the said M’ George quhilk requires the saids Lords thair advice and opinion before the said M’ George be
entered upon pannell, the saids Lords ordains the saids advocats to give information thereof to the Earl of Stratherne, Lord Cheefe Justice of this kingdom, betuix and Moonday nixt at night, to the intent he may conveene his Majestie's Counsell upon the morne thereafter at nyne of the clocke in the forenoon in the Exchequer hous for hearing of the saids advocates. But the saids Lords declares that they will not heare nor admitt anie thing to be propounded be thame upon their awne behalfe for their declining to defend the said Mr George againis the criminall persute foresaid."

"The whilke day the Lords of Secret Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presentit unto thame, ordains and commands the provost and bailies of Edinburgh to set alaster Grant, prisoner within their tolbuith, to libertie and freedome furth of the same that he may reparie to the parts where he was borne or ellis where for his dispatche of his lawfull effaires, notwithstanding his Majestie hes not as yitt grantit ane remissioun to him; commanding all and sundrie his Majestie's judges, officers and lieges that none of thame presooome to trouble the said Alaster Grant for anie causs or occasion bygane proceeding frome the grounds of his present imprisionment till his Majestie give warrand for that effect, quharenrent the extract of this present act sall be unto the saids provost and bailies ane sufficient warrand. Followes his Majestie's missive for warrant of the act abowenwritten. CHARLES R. Right trustie and right wellbelouit cousine and counsellor, right trustie and wellbelovit cousines and counsellors and right trustie and wellbelovit counsellers, we gret yow, weill. Being pleased at this tyme upon some speciall considerations of our owne knowledge moving us hereunto to caus release Alaster Grant frome prisoun, we require yow (notwithstanding we have not grantit unto him at this tyme a remissioun) to give order to the provost and bailies of Edinburgh for setting him furthwith at free libertie that he may reparie to the parts where he was borne and ellis where for dispatche of his lawfull effaires; giving order that none presooome to trouble him for anie causs or occasion bygane proceeding frome the grounds of his present imprisonment till there be a warrand frome us, for whiche these presents sall be your warrand. We bid you farewell. Frome our Court at Whitehall, the fourth day of December, 1632."

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

"The Lords of Secret Counsell gives and grants warrand and com-
mission be thir presents to Johne, Lord Steward of Tracquair, Deputie
Thesaurar, and the Maisters of his Majesteis Warske, or anie of thame,
to repaire to suche of his Majesteis houses and palaces as his Majeste is
to visite at his heerecomming to make a surveye of the saids houses,
and to consider what is fitt to be repaired and amended therein
for his Majesteis better and more contented accommodation within the
same."

After our verie heartilie commendations. Whereas amongs others
preparations qhilks ar now in hands and must be tymously foreseen
and in readinesse againis the tyme of his Majesteis heerecomming that of
the carrage is not the least bot doeth als neerelie concernce his Majesteis
honour and service and the credite of the countrie as any other service
that will occurre in all his Majesteis progresse throughout the same, and
quharas this service cannot be weill done bot by the shires where his
Majesteis progresse and journey will ly, as wes done when his Majesteis
lait deir father of eternall memorie wes comming to this kingdome, we
must thairfor lay a part of this service upon yow; and for this effect
these ar to request and desire yow to convoye the rest of your brethren
and justices of peace within that shire and to advise and resolve among
your selffes how and in what maner his Majesteis carradge may be most
formallie and orderlie carried fra Berwick to Dunglas for reade and
thankful payment, or if yow will follow the order prescryved be your
selffes the tyme foresaid of his Majesteis darrest father his coming to
this kingdome that accordingllie you will convoye the whole brethren of
the benshe to burgh and land within that shiredome so soon as con-
venientlile may be and make ane particular distribution of the said
shiredome in parishes, appointing some of your number for everie parish,
to try what number of cairts and hors for carradge every parish to
burgh and land may furnishe for his Majesteis carrage upon his Majesteis
expenseis, and that yow appoint a constable in everie parish who salbe
answerable that the cairts and hors for carradge designed to everie parish
shall be in readines for his Majesteis service when ever they sal be
advertised be the principall constable of the shire who sal have the
charge of advertisement, and you sal appoint within that shiredome
twa constables who sal be answerable to the maisters of his Majesteis
carradge that they sal caus the other constables appointed to everie
parish to have the cairts and hors for carradge designed to the parish in
readines, and that they sal come and lift his Majesteis carradge at suche
tymes and places as they sal be advertised and if yow find anie other
course more meit and fitt to be followed for the furtherance of this great
service nor this, you sal sett down your judgment and opinoun thereanent
in writ and report the same to his Majestie Counsell upon the xiiiij day of Marche nixt; whiche recommending to your care and diligence as a piece of service highlie importing the credite of the countrie we commit yow to God. Frome Halyrudhous, the last day of Januar, 1633. Subscribatur, Stratherne, Hadintoun, Wintoun, B. Yles, Arch. Achesoun.

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

Caution by John Gordon of Sheills for Thomas Gordon, brother to James Gordon of Letterfourie.

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

The Castle of Edinburgh.

Holyrood House, 5th February 1633.


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"The whilk day in presence of the Lords of Secret Counsell compeire personallie Johne Gordoun of Sheillis and become actit and obliest as cautioner and souertie for Thomas Gordoun, brother to James Gordon of Letterfourie, that the said Thomas salr ather depart furth of his Majestie dominioons betuix and the last day of Aprile nixtocom or otherways that he salr resort to the parish kirk and heare sermoun and that he salr behave himselfe modestie without giving of offence or scandall to the Kirk; and that he salr not ressett nor intercommun with Jesuits, seminarie nor messe preists, and that betuix and the said day he salr report ane certificat frome the bishop of his diocie of his conformitie in the premisses under the pane of ane thousand merkes in caise he faillie in anie point thairof. And the said Thomas, being personallie present, actit and obliest him to relieve his cautioner of the premisses and of all pane and danger he may incurr thairthrow."

"Forsameekle as the Lords of Secret Counsell find it mete and expedient that all things requisite and necessar for the solemnitie of his Majestie coronatioun sall be tymousalie foreseene and proveydit, and in especiall of his Majestie crowne, scepter and sword, qhilkis ar the honnours of that great and royall action, sall be seightt and that what is deficient and wanting therein sall be helped; thairfor the saids Lords ordains and commands the captaine, constable and keepers of the castell of Edinburgh, to whois credeite and trust the keeping of these honnours is committed, to delvery the same to Johne, Lord Steuart of Tracquair, Deputie Thesaurur, to the intent that he may give order and direction for helping and repairing of what sall be found be the saids Lords to be defective and wanting therein; anent the delverye of the qhilk honnours this present act, with a note of the said Deputie Thesaurur under his hand upon the recep of the same, sall be unto the said captaine, constable and keepers of the foresaid castell of Edinburgh a sufficient warrand."

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

Sederunt—Stratherne; Privy Seal; Bishop of Dumblane; Bishop of the Yles; Lord Areskine; Lord Melvill; Lord Carnegie; Lord Tracquair; Secretary; Advocate.
"Anent the suppliantoun presentit to the Lords of Secret Counsell be the provest, bailleis and counsell of the burgh of Aberdeen, makand mentionoun, that where they having takin to their consideratoun the great necessitie wherein their toun stood throw want of pure and cleane water and how that the water wherewith their toun was served come frome ane little loche at the side of their toun, whilk is so filthie, defyled and corrupted not onelie by gutters daylie running in the loches but alsua by the litstiers who washe all their cloathes in the said loche and by the neighbours of the toun who washe all their clothes there; and suche of the neighbours as dwell ewest to the loche they cast all their filth and excrements in the same, so as the water comming therefra to the said toun is so corrupted and unsavourie in the taste and of suche ane greenie and uncomelie colour as nather the neighbours of the toun nor strangers repairing thereto can make use of the said water. And the saids supplicants being carefull in imitatioun of others parts and in speciall of their neibour countrie where great care is tane for preservin of their water to provide a remeid for the serving and furnishing of their toun with pure and cleane water, they concluded and fand it meit and expedient with uniforme voice that ane draught should be drawin frome a spring within a myle of their toun by the qubil the water sould be drawin fra that spring to their toun, and that some fountaines sould be erected in the most convenient parts of their toun for that effect. And becaus this worke could not be brought to perfectioun but upon the commoun charges of the toun, the supplicants theirfoir warned the hail neibours of their toun be towcke of drwm to conveene with thame upon the fourteen day of September last for giving of their advice anent this worthie and commendable worke and there consent to ane taxation to be imposed upon their toun for that effect. And according to this appointment the hail communitie of their toun, both gild brethren and craftsmen having conveen in their tolbuith upon the 19 day of September last, and the overtour and propositioun foresaid and the experienzie and necessitie thairof for the furnishing and serving of the said toun with pure and cleane water and the erecting of fountaines for that effect being intimat and shawin to thame, the hail bodie of the said toun all in one voice agreed upon the experienzie and necessitie of the said worke and the erecting of fountaines to that effect, and all the gild brethren consented to be stented for defraying of the charges of that worke. And when as the deacon conveenner of the crafts his consent to the stenting wes craved for himselfe and in name of the remanent crafts of the toun, he for himselfe and in name of the hail bodie of the crafts, acknowledging the necessitie of the bringing of water and erecting of fountaines to that effect, consented to contribute and to be stented with the rest of the neighbours of the toun toward the maintenance and upholding of the water draught and fountaines to be erected, as said is; but they made some scruple to be stented in anie sounes of money for
bringing the worke to perfeictoun, but offered a certane soume of money to that effect provyding that they wer free of the taxatioun. And upon this little difference betuix the crafts and gild brether this important worke, tending so farre to the weale of the said toun and preserving of the health as weill of strangers repairing thereto as of the proper inhabitants of the same, is lyke to be frustrat, to the disgrace of the said toun and to the hevii greefe of the weill disposed citicens thairof. And the gild brether, upon whome the most part of the burdein of this worke will ly, refuises in anie cais to be stented unlesse the commoun and observed custome in maters of this kynd be observed, and that the haili inhabitants of the said burgh als weill gild brether as crafts be stented; quherein they respect not so muche the payment of the soume, quhilk they will freelie and willinglie underly, as the preparative quhilk the refuissall of the crafts may produce in maters of this kynd heer-after. And whereas this oppositioun and contradictioun made be the crafts being trewlie considderit as ane mater of no moment and auacht not to be respected in so important a caus as this, seing thair part of anie stent to be imposed upon the said burgh will onelie extend to the aucht part, being sett and collected at the greatest rigour, and the portioun of the gild brether will extend to sevin parts of aucht, and the stent to be imposed upon the crafts being considderit with thair offer there will not pas three hundreth pounds in difference between thair offer and the stent quhilk is a mater of no moment and not worthie to be respected in suche a commoun caus so neerelie importing the weale and credite of the said toun:—Humbelie desyryng thairfoir the saids Lords that the saids supplicants may have commissioun and warrand be act of Counsell in maner and to the effect underwrittin, lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords and they being therewith and with the two acts of the counsell of the said burgh of Aberdein conteaining thair proceedings in this mater weill and througlie advised, and finding this worke neerlie to concerne the weale and credite of the said toun, thairfoir the saids Lords hes givin and grantit, and be thir presents gives and grants, warrand and commission to the saids supplicantis to sett doune ane certane soume of money toward the forderance and advancement of the worke foresaid to be paid be the haili neighbours and inhabitants of the said toun, and to nominat and appoint certane stenters to stent thair neighbours, and the said stent being sett down, ordains letters to be direct charging the persouns stented to make payment of that soume that they and ilk ane of thame sall be stented to to the collectours to be nominat and appointed be the saids provest, baillieis and counsell of Aberdein to that effect within three dayes after the charge, under the pane of rebellioun, etc., and if they faylie to denunce, etc.; and if neid beis to poyn and distreinzie; with power lykewayes to the said provest, baillieis and counsell of Aberdein to commit to waird suche of
the persons stented as refuse to make payment of thair stent to the saieds collectoris, as said is, to remane therein upon thair awne expenses till they make payment of thair said stent."

"Forsameekle as at ane lait visitatioun of the Castell of Edinburgh be some of his Majesteis Counsell it was found that sindrie parts within the said castell needs to be helped and repaired, both for the credite of the country and for his Majesteis more contented reception and lodging within the said castell; thairfoir the Lords of Secret Counsell ordaings and commands the Maisters of his Majesteis Warkes to sett too warkemen with all convenient diligence for repairing, helping and mending of suche things as ar necessar to be helped and mended within the said castell, and that they begin at these quhilkis ar most necessar to be repaired and may not suffer delay and so goe on with the rest as the tyme and necessitie sall require, letting his Majesteis Thesaurar or Deputie Thesaurar know from tyme to tyme the course and progresse of thair proceedings and at what workes they begin, quhereanen this act sall be unto the saieds maisters of worke ane warrand."

"The Lords of Secret Counsell ordaings the hale proclamatiouns made the tyme of King James the Saxt of blessed memory his comming to this kyndome to be renewed according as the saids Lords sall give order."

"A letter from his Majestie for continewng the keeping of the shireff courts of Lanerck in the same place quhair they wer accustomed to be holdin till his Majesteis heerecomming or that his Majestie signifie his pleasure heereanent."

"Forsameekle as one Robert Tough of Dysert, being of lait prisoner in the Poultry of London for certaine soumes of money dew by him, did under pretence to use his meannes to pay his creditours intreate John Atkisone, doore keeper of the said prison, to goe abroad with him to that effect, as is ordinarlie accustomed there, bot having escaped and ran away from his keeper to this kyndome to shelter himselfe heir fro the dew course of justice, whereby he is lyke to undoe his keeper in being made lyable by his escape to pay the debt, and defraud his creditours of what is justlie dew unto him [sic]; whiche being contrarie to the dew course of justice which mutuelles ought to be kept amongst all his Majesteis loving subjects and ane act in him worthie of censure and punishment, thairfoir the Lords of Secret Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie and this day exhibite unto thame, ordaings letters to be direct to messingers of armes charging thame to pas, searce, seeke and take the said Robert Tough where ever he can be apprehendit, and to bring, present and exhibite him before his Majesteis Counsell to be tane order with as his
Majestie hes directed; commanding heireby all and sindrie shireffis, provets, provests and bailleis of burrowes to concurre, fortisfe and assist the saide messengers in the taking, convoy and exhibition of the said Robert before his Majestis Counsell; with power to saide messangers to arreist the said Robert his ship and all others goods knowne to belong unto him to remaine under arreistment till he satisfie his creditor of what is dew unto him and of all other charges occasioned by his escape; and if noed beis to take the sailes frome the raes of the said ship quhairthrow she depart not. Followes his Majestis missive for warrand of the act abonewrittin. CHARLES R. Right trustie and right weilbelovit cousine and counselour, right trustie and right weilbelovit cousines and counselours, and trustie and weilbelovit counselours, we greit yow weill. Being informed by John Aitkinsone, doorekeeper of the prison in the Powrie in Londoun, that one Robert Tough of Dysert, being of late prisoner in the said prison, for certane soumes of money dew by him, did under pretence to use his meanes to pay his creditor intreate the said Aitkinsone, his keeper, to goe abroaund with him to that effect, as is ordinarlie accustomed heir; bot having escaped and run away from him to that our kingdom to sheltir himselfe there frome the dew course of justice, quhereby he is lyke to undoe his keeper in being made lyable to [sic] his escape to pay the debt and defraud his creditor heir of what is justlie dew unto him, this being contrarie to the dew course of justice quhilk mutnallie ought to be keeped among all our loving subjects, and ane act in him worthie of censure and punishment, our pleasure is that with all possible dilligence yow give order for arreisting of his shippe and all others goods knowne to belong unto him that they may be furth with comming for the payment of his creditor of what is dew unto him and of all other charges occasioned by his escape; otherways that yow causs apprehend him if he can be found there and keepe him in close prison till he satisfie the parteis according to justice; and to that purpose that yow give suche order as yow sall thinke fitt; whiche recommending to your speciall care, we bid yow farewell. Frome our Court at Whitehall, the 18 day of Januarie, 1633.”

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

Warrant from his Majesty for preventing fishing on Sundays.

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

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

Holyrood House, 19th February 1633.

“Forsamekle as George, Marques of Huntlie, being wrriten unto be direction of his Majestis Counsell to have sent Raufe Rayling, an English carver, being in his companie and service to the intent he might have beene imploied in some service in his Majestis workes qhilkis ar now in hands for his Majestis more contented receiptioun in this kingdome the said Marqueis hes slighted the direction sent unto him and hes not sent the said Ruufer here, so as that part of service qhilk wes to have beene committed to the said Raufe is lyke to be shaikin louse and disappointed; thairfoir the Lords of Secret Counsell ordains letters to be direct charging the said Marqueis of Huntlie to send over and exhibite the said Raufe before the saids Lords upon the day of upon the intent he may be imploied in suche of his Majestis workes as he sall be directed be the maisteris of his Majestis workes under the pane of rebelliou, etc., with certificatioun, etc.”

“Forsamekle as in the course and order prescryved and sett downe for the monethlie attendance of the commissioners for the teinds upon the charge concrdeite unto thame, John, Erle of Wigtoun; Alexander, Erle of Linlithgow; Patrik, Bishop of Aberdein; Androw, Bishop of Argyle and Adame, Bishop of Dumblane, wer appointed to attend for the moneth of Marche nixt, whilk moneth being now approacheing, necessar it is for the forderance of that service, qhilk hes had so manie delays and continuations, that the commissioners foresaid gaire their attendance proceedlie whairthrow this service be not longer delayed nor hindered, thairfoir ordains letters to be direct charging the commissioners particularlie abowenwritten to attend and await upon the said commissioun during the moneth of Marche nixt and not to absent themeselfis therefra without a scene caus to be allowed be the commissioun under the pane of rebelliou, etc., with certificatioun, etc.”
"Anent the application presented to the Lords of Secret Counsell be Acts, June 1632.-June 1634. diversity tymes supplications given in to the saide Lords by the said supplicant and his advocate in his name for restitution to him of certaine papers whiche wer takin from him since his commitment within the tolbuith of Edinburgh, and for licence to have paper, pen and inke beside him to write privatlie at all occasiones all suche informations for his defence in that criminally persuete moved aganis him as sould happenlie occurre in his mynde, that he might give the same to his advocate when they can convenientlie reparie to him to that effect, of the whiche supplication he hes never as yitt gottin anie answer fra the saids Lords albeit that the desire of the same is most reasonable, in respect that the foresaid papers will furnishe unto him defences in the foresaid criminally persuete as may appear by the onelie tittles and names of these heid papers, viz., One of the saide papers being the copie of his relation which was givin to his Majestie; another of thame the copie of the estimat which was lykeways givin to his Majestie; the third of thame being ane citation of the particular records for the profe of his said relation; the foute of these saide papers being ane certificat sealed and subscryved be Captane Alexander Mure and twa witnesse of his Majestie's directions givin to the supplicant by the said Captane Moore for wryting and delyverie of the said relation; the fift of these saide papers being ane discoverie of his Majestie's title to the Lewes; the s Sext being ane oubter for the improvement of Orkney and Zetland; the sevint of thame being ane little paper conteaining some particular memorandum concerning the saide relations, and the eight of these saide papers writtin on ane whole scheit of paper and another halfe scheit of paper being ane scroll of the questions and objectionis maid unto the supplicant before the Kings Majestie with his severall answers thereunto, togidder with some particular defences tsuiehing the said criminally persuete forethought on he himselfe. Lykeas after all these saide papers wer takin from the supplicant be Androw Whyte, he being callit into the lower Counsell hous before the right honourable the Erles of Stratherne and Linlithgow, the Lord Clerk Register, Advocat and Justice Depute, the said Erle of Stratherne promittted upon the nyntene day of Januar last that all the foresaid papers sould be delyvered to the said supplicant before anie reale proceeding sould be used aganis him. Humbelie desyring thairfoir the saide Lords that they would be pleased to give order for the present delyverie unto the supplicant of all the saide papers whilke wer violentlie takin from him be the said Androw Whyte, or otherways that the samine be deposited in the hands of the clerkes of Privie Counsell, and that he may have the authentick double thairfoir subseryd with the said clerkes hands and also that he may have the libertie of paper, pen and inke beside him for the effects foresaid, lykeas at mair lenthe is conteanit in the said supplication. Quhilk
being read in audience of the saids Lords, Sir Thomas Hope of Craighall, knight bartonnet, his Majestie's Advocate, tooke instruments upon the giving in of this petitioon and of the particular writts therein mentioned, whilks wer the writts takin from the said Mr George Nicoll be Androw Quyhte, and that there was no other writts takin from him."

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

"The Lords of Secret Counsell ordains Mudie, cautioner for John Greig.
Johne Greg, one of the personouns challenged for the copper coyne, to exhibite the said Johne before the saids Lords upon Thursday nixt to answer upon the counterfooting of the copper coyne."

Sederunt—Stratherne; Privy Seal; Bishop of Dumblane; Bishop Holyrood House, 21st of the Yles; Arekine; Melvill; Tracquair; Secretary; Advocate; February 1633.
Sir James Baillie.

"Forsameekle as there is a great necessitie that sufficient provisiouns be made of straw and hay for furnishing of his Majestie's awne euerie and the hors of his tryne and followers the tymes of his Majestie comming and remaining in this kynedome, thairfor the Lords of Secret Counsell ordains letters to be direct charging officers of arms to passe, fence and arrest the bail strae and hay within the shirefdomes of Linlithgow, and for his Majestie's use.

Stirline and Clackmannan and suche partes thairof as ar ewest to his Majestie castell of Stirline and palace of Linlithgow and within the regalitie of Dumfermline and the north side of Forth and suche partes of the shirefdom of Fife as ar ewest to his Majestie's palaces of Dumfermline and Falkland, to remaine under arraistment单元met with or put away in hall or in part, bot to be kepted and preserved for the use of his Majestie and his tryne and followers; and to command and charge the owners and possessours of the said strae and hay to make their addresse to the persons following who will attend thame in the bounds underwritten upon the dayes after specifite, that is to say, those within the shirefdomes of Linlithgow, Stirline and Clackmannan, to Robert Rollock, servitor to the Erle of Mar, and David Balfour of Balloch, or anie of thame, who will attend thame at the burgh of Linlithgow upon the day of for these within the shirefdom of Linlithgow and at the burgh of Stirline for these within the shirefdom of Stirline and Clackmannan; and these within the shirefdom of Fyfe ewest to the regalitie of Dumfermline to the Laird of Pitferrane, Mr Thomas Wardlaw and the said David Balfour, or anie twa of thame, who
will attend thame at the burgh of Dumfermline upon the day of ; and these within the shire of Fife ewest to the palace of Falkland to make their address to James Kynninmonth, Chamberlane of Fyfe, and to the said David Balfoure, who will attend thame at the burgh of Falkland upon the day of ; and at their meetings at the places respective foresaid that they agree with the persons foresaid who are appointed to attend thame as said is upon the price of their said hay and straw, and according to the said agreement they sall receve tyous and thankefull payment; and that the owners and possessours of the said hay and straw keepe the dyets foresaid in the places respective abonewrittin assigned unto thame and there attend the persons foresaid who ar to agree with thame in maner foresaid under the pane of reabellion, etc., with certificatoun, etc."

"Forsamekele as the progress of the Commisoun for the Surlsunders in this approachig moneth of Marche is lyke to be frustrat and hindered by the absence of some of the clergie who wer entrust to attend that service, whilk will not onelie be offensive to his Majestie, but hurtfull to manie of the subjects who look for ane outrid and dispatche of their bussines in that moneth; thairfor the Lords of Secret Counsell ordains letters to be direct charging Alexander, Bishop of Dunkelden; Androw, Bishop of Argyle; and John, Bishop of Caithnes, to make their addresse to the burgh of Edinburgh in dew and lawfull tyme againis the first day of Marche nixt and to attend the said commission during that whole moneth, under the pane of reabellion, etc., with certificatoun, etc."

"Forsamekele as the Lords of Secret Counsell hea appointed and be the tennour heirof appoints the sevint day of Marche nixt for a meeting of the whole commissioners nominat be the King's Majestie for revising of the lawes at the Counsellhous in Halyrudhous at two of the clocke in the afternoone towards the taking of some solide course for bringing of that worke to some good perfection; thairfor ordains ane maisser or officer of armes to pas to the mercat croce of Edinburgh and there be opin proclamationoun to make publicatioun and intimationoun heirof quhairethrow none of the said commissioners pretend ignorance and to warne all the said commisioners to attend and await the said dyet for the cause foresaid, with intimation as effeirs."

"The Lords of Secret Counsell gives and grants warrand and commissioun to Adame, Bishop of Dunblane, Sir Archibald Achesone, Secretar, Sir Thomas Hope, Advocat, and the Justice Deput to examine the persons challenged for the copper coyne; and ordains the officers of the Counziehous to give in interrogators whereupon they ar to be examined."

"After our verie heartlie commendations to your good lordship, Whereas the sevint day of Marche nixt is appointed be his Majesties Counsell for ane meeting of the whole commisioners nominat be the Kings Majestie for revising of the lawes, to be heere at Halyrudhous at two of the clocke in the afternoone, to the effect some solide course may
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than be tane for bringing that worke to ane perfectioun quhilks his Majestie hes so earnestlie recommendit to the saids commissioners, of whome your lordship being one, these ar thairfor to request and desire yow, all excusies sett aside, to keepe the said dyet preciseisie. Quhill looking assuredlie your lordship will doe, we committ your lordship to God. Frome Halyrudhous, the 23 day of Februar, 1633. Subscribeur, Stratherne, Hadinton, Arekaine.

Sederunt—Stratherne; Lauderdaill; Bishop of Dumblane; Bishop of the Yles; Lord Arekaine; Secretary; Advocate. Holyrood House, 26th February 1633.

"The Lords of Secreit Counsell in respect of the deceas of James Sinclair of Murkhill, lait shireff of Caithness, ordains a new commission of shireship to be past and exped under the great scale to Sir James Sinclare, his sonne; and that ane commission be givin to the Erle of Seaforth, the Bishops of Ros and Murray, or anie of thame, to take his oath."

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

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

Sederunt—Stratherne; Wigtoun; Lauderdaill; Bishop of Dumblane; Holyrood Bishop of the Yles; Lord Lorne; Lord Arekaine; Lord Melvill; Traquair; Secretary; Advocate. House, 28th February 1633.

"Forsameekle as amongs the manie preparations quhilk must be Charge to tymoualie foresene and in readines again the tyme of his Majestis comming to this kingdome that of his Majestis carrage is not the least, but doeth als neerelie concerne his Majestis honnour and service and credite of the countrie as anie other service that will occurr in all his Majesties progreese throughout this countrie; and whereas this service cannot be done bot be the helpe of the inhabitants of the shirefdomes through quhilk his Majesties progreese will ly and of the nixt adjacent parts, as wes done the tyme of his Majestis latte deir fathers comming to this kingdome, thairfor the Lords of Secreit Counsell ordains letters to be direct charging the shireffs of Berewicx and Roxburgh for the east part of Tiviotdaill, and baillie of Lauderdaill, the shireffs of Hadinton, Edinburgh, Linlithgow, Stirlinie, Clackmannan, Fyfe, Perth, and their deputs, and the conveners of the Justices of Peace within the saids shirefdomes, that they and everie ane of thame within their awne bounds and offices respective convene the barons and landed gentlemen within their bounds with all convenient diligence and at their meeting that they resolve and conclude upon some certaine,
solide and sure course how his Majesteis carriage may be caried through thair bounds upon his Majesteis charges and expenses; and for this effect that they make a particular distribution of the saids shirefdomes in parishes, appointing some of thair number for everie parish to try what number of cairts and hors for carriage everie parish may furnishe, and that they appoint a constable for everie parish who sall be answerable that cairts and horses for carriage designed to everie parish sall be in readines for his Majesteis service as they sall be directed and adverteist; and siclyke that they nominat and appoint twa other constables for everie parish who sall have the charge to advertise the constable of the parish to have the cairts and horses for carriage in readines at the tymes to be appointed; and lykeways that they appoint twa constables for eache shirefdom who sall be answerable to the Maisters of his Majesteis carriage that they sall caus the other constables appointed in everie parish have the horses and cairts for carriage designed to the parish in readines to come and lift his Majesteis carriage at suche tymes and places as they sall be adverteist and that the saids shireffs, baillie and conveenmers of the Justices of Peace compeir personallie before the saids Lords upon the day of Marche nixt and make ane perfyte report in writt of thair procedings in this bussines, under the pane of rebellioun, etc., with certificatioun, etc.

"Forsameekle as the Lords of Secret Counsell are informed that the whole or most part of the loodgings and stables within the Cannogait ar alreadie tane up be some persons of this kingdom so that suche of his Majesteis tryne and followers as necessarlie must be lodged neere his Majesteis persoun during his abode at Halyrudhoues will not be commodiouslie accommodat in loodgings and stables within the said Cannogait, but will be constrained to seeke thair loodgings in remote and farre places from his Majesteis hous and palace, to the disappointing and neglecting of his Majesteis service; whilk will not onelie be offensive to his Majestie, but will be a great discredite to the countrie that his Majesteis proper domesticks, who must necessarlie attend his royall persoun, sall be disappointed of thair loodgings; thairfoir the Lords of Secret Counsell hes thought meit heirby to intimat and declare that all these who hes tane or myndes to take loodgings and stables in the Cannogait that they will be frustrat and disappointed of thair intents and that all the saids loodgins and stables will be tane up and marked for his Majesteis owne tryne and followers be his Majesteis harbingers at thair heerecomming, and ordains letters to be direct to make publicationioun be opin pro- clamatioun at the mercat croce of Edinburgh and the Cannogait, and to warne all persons who hes tane or myndes to take loodgins and stables in the Cannogait that they provide thame selfes of loodgins and stables [elliswhere], otherwaisies assuring thame that they will be disappointed, and that the saids loodgins and stables will be tane up and marked for his Majesteis tryne and followers."
"Forsameekle as there is great appearance of new delay and hinder in the progresse of the commissioune for the teinds by the absence of some of the clergie who wer nominat to attend that service; and whereas the Bishop of Brechin hes beene long sparede and that without his presence that service is lyke to be cassin louse; chairfor the Lords of Secret Counsell ordains letters to be direct charging the said Bishop of Brechin to come and make his addresse heere to attend the said commissioune till Wednesday next, the sxt day of Marche, provided to attend for that moneth, under the pane of rebellion, etc., with certificatioun, etc."

"Forsameekle as Sir James Sinclair of Murkhill is nominat to be shirreff principall of the shirdefome of Caithness for the yeere to come, and whereas it is necessarie that he give his oath for faithfull administra- tion of that service; and the saids Lords being unwilling to draw the said Sir James to unnecessarie travellis and charges in appearing before thame to give his said oath, chairfor the saids Lords hes givin and grantit and be the tennour heirof gives and grants full power and commissioune to Patrik, now Archbishops of Glasgow, Coline, Erle of Seaforst, and Johne, Bishop of Murrey, or anie one of thame, to take the said Sir James his oath for faithfull discharge of the office of shirdefship within the bounds foresaid, and to make ane formall report theirof in writ to the saids Lords, to the effect the same may be recordit and registried in the bookes of Privie Counsell, wherewith thir presents sall be to thame ane warand."

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

"Forsameekle as the great worke of the valuations quhilik his Majestie cheefelie intendit for the weale of the Kirk and ease of his subjects in the mater of their teinds, and wherein so mucche tyme and so great charges hes beene spent thir diverse yeeres bygane, hes not had suche ane progresse as his Majestie earnest affection and the important of so great a bussines required; and in manie presbyteries where the valuations ar closit there is no report made to the same of the great commissioune, bot the valuations ar holdin up uther be the coosenage of the clerkes to the subcommissioners or ells upon some neglect of the sub-commissioners thame selfyse, whaithrow his Majestie service is ludified and his subjects greeved with long and fruictlesse attendance, to his Majestie high offence and contemp of his royall auctorite. And chairfor the Lords of Secret Counsell ordains letters to be direct charging the conventeniers of the subcommissioners throughout the severall presbyteries of this kingdom and their clerkes to bring, report and exhibite unto the saids Lords thair valuations in dew and competent forme where they ar alreadie expat, to the intent the saids Lords may deliever..."
thame to the Lords and others of the great commission to be scene and considerit be thame within ten dayes nixt after the saids conveeners, and clerkes beis charged thereto under the pane of rebellion, etc., with certification to thame that fainyeis, the saids ten dayes being bypass, that letters sall be direct simpliciter to putt thame to the horne and to escheit."

"After our verie heartlie commendations. We have heerewith sent unto yow ane commission of shirefship within the bounds of the shirefdom of Caithnes not doubting bot yow will be carefull to approve yourselfe worthie of that trust concredicte by us unto yow in the faithfull administration of that office. And because yow must give your oath for faithfull execution of that office, and we being unwilling to putt yow unto unnessecarry travalls and charges in appearing before us for that purpose, we have thairfoir exped ane commission to the sometyame Bishop of Ros, now Archbishop of Glasgow, the Erle of Seafort and the Bishop of Murrey, or anie one of thame, to take your oath for the dewtfull discharging of that office, quhilk commission we have lykewayes heere-with sent unto yow. And thairfoir these ar to request and desire yow to make your addresse heere to the saids commisioners or anie of thame ewest unto yow, and show thame the twa commisions foresaids and accordinglie give your oath unto thame or any of thame for the faithfull administration of the said office of shirefship, and immediatelie thereafter that yow caus convene the small barons and freeholders within the said shirefdom to make choise of twa of the specials of thair number to be commisioners for that shirefdom for the ensewing Parliament and all other generall conventious for this yeere, and that yow report the commission of thair nomination and electiou subscrived and sealed conforme to the Act of Parliament to us with all convenient diligence, as yow respect the forderance and advancement of his Majestie's service. Quhilk looking assuredlie yow will doe, we commit yow to God. Frome Halyrudhous, the last day of Februar, 1633. Subscriptor, Stratherne, Wigtoun, Lauderdaleill, Iorne, Areskine, Melvill, Arch. Achesoun."

"After our verie heartlie commendations. Whereas the Kinge Majestie continewes constant in his resoluition to honoure this his ancient kinside with his royall presence this approacheing sommer and out of his princelie and tender regard to the credite of this countrie being carefull that the noblemen and others of the kinside of England who ar to accompanie his Majestie heere may see ane perfyte and full obedience and ane loyall and dewtfull affectioun in all the subjects of this kinside to his Majestie service, and that no part nor corner of this kinside is disobedient, it is thairfoir verie requisite and expedient that the principalls and chiftans of the clans in the Yles sall be heere in the beginning of the moneth of Junij nixt to the intent his Majestie may conferre with thame in matters concerning the Yles and accordinglie may have occasion to remember and acknowledge thair obedience as the Occasion of thair adoes sall be presented, and that the strangers who ar to
accompany his Majestie may see that the most remote part of this kingdome and Yes thairof ar satlled under ane perfyte obedience and peace. And thairfoir these ar to request and desire yow to make your addresse heere againe the tymne foresaid of the approacheing moneth of Junij, quhilk will be but ane little anticipatiouin of the ordinar dyet of your conpeirance upoyn the tent of July, and we hope that by his Majesteis gracious and favourabel acceptance of yow yow sall find your journey weill and worthilie bestowed. And so looking for your precise keeping of this dyet we committ yow to God. Frome Halyrudhous, the last day of Februar, 1633, Subscribitur, Stratherne, Wigtoun, Lauderdaill, Melvill, Lorne, Areskine, Arch. Achesoun."

Sederunt—Stratherne; Murrey; Wintoun; Wigtoun; Bishop of Holyrood House, 4th March 1633.
Dumblane; Lord Lorne; Areskine; Melvill; Tracquair; Secretary; Advocate.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, wes presentit to the saids Lords and read in thair audience, of the whilk 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 counsellers, we greet yow weill. Though we wer pleased upon some false and malicious calumneis suggested unto us by ane George Nicoll aganis some of our cheefe officers to give order to our Justice Generall and Advocaet for persewing and causing his punishment be speedilie sentenced according to justice, yitt upon some consideratios now moving us we ar heirby pleased that yow withdraw that cau from the judicatorie of the Justice Generall, and having callit the said Nicoll before yow that yow caus censure and punish him in suche maner as yow shall thinke fitt, that by his exemple others may be terrified from attempting the lyke heerafter; for whiche these presents sall be sufficient warrant unto yow and everie of yow. We bid yow fareweill. Frome our Court at Whitehall, the 23 of Februarie, 1633. Quhilk letter being heard and considerrit be the saids Lords and they rypelie advised therewith, they find the same in respect of the trycle takin be his Majestie to be ane sufficient warrant to the Counsell for censuring and punishing the said M' George without forder trycl or inquyrie; and continewes the advisement upon the forme of the punishement to be inflicted till the morne at nyne of the clocke in the morning in the laich Counsellhous of Edinburgh."

"Forsameekle as there is sindrie peeces of his Majesteis tapestric verie evill worne and eatin and spoyled with rattounis so that they can serve for little use unlesse they be helped; and whereas there is ane peece of his Majesteis tapestric marked with the figure of 18s evill spoyled and eatin with rattounis as it cannot be helped and will not serve
for no use bot to be cutted and the other piece of the said tapestrie helped and mended therewith; thairfor the Lords of Secret Counsell ordains and commands the keeper of his Majestis wardrop to delyver the said piece of spoyled tapestrie marked with the figure of 18s to suche as hes the charge of mending of his Majestis tapestrie and to caus the same be cutted and the other pieces of tapestrie helped and mended therewith; anent the doing whairof the extract of this act sall be unto the whole officiars of the wardrop ane warrand."

"Forsameeke as at the late visitatioun of his Majestis houses of Linlithgow, Stirling, Linlithgow, and Dunfermeline there wes sindrie things found there quhilkis necessarlie required to be helped and repaired for his Majestis better and more contented recepioun and loodging there; thairfor the Lords of Secret Counsell ordains and commands the maisters of his Majestis warkes that with all convenient diligence they enter warkemen to the repairing, beiting and mending of his Majestis said houses according to the report of the visitatioun, and to helpe, mend and repair all suche other things within the saids houses as they sall be directed and warranted be the Lord Thessuar, principall or deputie, anent the doing whairof the extract of this act sall be unto the saids maisters of warke ane warrand."

Edinburgh, 5th March 1633.

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

Sedunt—Ante meridiem, ut die praefecto unacum Carnegie.

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

*Sedent, post meridiem—Stratherne; Wintoun; Wigtoun; Bishop Holyrood of Dunkeld; Bishop of Dumblane; Lorne; Areakin; Melville; Carnegie; Tracquair; Secretary; Advocate.*

"Forsameekle as the slaying, selling and eating of flesh in Lentroun hes beene upon vere good respects and consideratious by diverse Acts of Parliament and Secret Counsell straitliue prohibite and forbidden under cer
taine panes mentionued and conteanne in the saied Acts; by the whilks lykewayes the slaughter of wylde foule and vennisoun hes beene alsua discharged, as in the acts made to this effect at mair lenth is conteanne; and whereas now there is ane greater necessitie of the precise observatioun of the saied acts nor there wes at anie tyme heretofore, seing his Majestie is resolved, God willing, in this approacheing sommer to honnour this his ancient kingdome with his royall presence and that the credite and reputatioun of the countrie requires that his Majestie and his tryne sall be abundantliue furnished with all kynde of fleshes, wylde foule and vennisoun during the tyme of his abode heere; nevertheless the Lords of Secret Counsell ar informed that great numbers of persons of all rankes and qualitieis, preferring their awne privat contentment to his Majesteis obedience and to the honnour and credite of the countrie and
to thair awne dewteis, ceases not in tyme of Lent to sell, slay and eate flesh at thair pleasure; as alsua the slaughter, destruction and selling of wylde foule in sellers and others quyet places is als frequent since the tyme of the making of the lait proclamation in the slaying and selling of the same as it was at anie tyme proceeding; by the quhilk publiquet and disgracefull contempt of his Majestie's auctoritie and lawes there is verie great appearance that there will be ane universall skarsetie and deearth not onelie of all kynde of fleshes bot of vennisoun and wylde foule at this approacheing tyme of his Majestie heerecomming, quhairupon will not onelie follow the discredite and disgrace of the countrie bot the high misconetment and offence of his Majestie, if anie thing sail be enlaiket that may concerne his royall reception hear: And whereas the hybyst connivence and oversight givin to persons offending in this kynde is one of the cheefe enduements quhilk procureis this universall contempt and breake of the law, and the Lords of Secret Counsell finding by experience that the dew execution of the law aganis persons offending is the most powerfull meane to deteane thame under obedience, thairfoir the saids Lords hes resolved with all rigour and extremitie and without respect to persons to punishe all suche who darre presoome hearafter to violat the law in this so important a tyme when the observaition of the same tuiches the countrie so neerlie in honnour and credite; thairfoir ordains letters to be direct to command, charge and inhibite all and sindrie his Majestie lieges and subjects of what estait, qualitie or degree so ever they be, be opin than proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull that none of thame [presoome] nor take upon hand during this forbiddin tyme of Lent to eate or make readie for eating anie kynde of flesh under the panes following to be uplifted of everie person so oft as they failie; that is to say, of everie erie ane hundreth punds, of everie lord ane hundreth merks, of everie baron fourtie punds, and of everie burges, oastler and common cooke that sellis meate and drinke fourtie punds, and of everie other gentleman suche soumes of money as sail be imposed upon thame be the judges before whom they sail be tryed: As alsua that no fleshers presoome nor take upon hand to slay or sell fleshes during the tyme foresaid under the pane of fourtie punds so oft as they failie: And by and attour the payment of thir pecuniaall soumes the offenders sail be severelie punished in thair persons be wairding and otherways to the terour of others to offend in the lyke kynde hearafter: And siclyke to command, charge and inhibite all and sindrie his Majestie lieges and subjects of what estait, qualitie and degree so ever they be, that nane of thame presoome nor take upon hand to hunt, shoot or slay anie deir or rae in anie of his Majestis forests or parkes or in anie other part of the kingdome, or to hunt haires ather with ratches or grewhounds within aucht myles of his Majestis palaces of Halyrudhous, Linithgow, Stirlin, Dumferme-line and Falkland and burrowes of Perth and Brechin; certefeing all
suche who sall presoome to doe in the contrair that they sall be punished in their persons and goods with all rigour conforme to the acts and proclamationes formerlie made theeranent: And siclyke to command, charge and inhibite all and sindrie his Majestie's lieges and subjects that none of thame presoome nor take upon hand to sell, slay, buy or eate anie kynde of lambes nor anie powtes nor other kynde of wylde foule untill the tyme of his Majestie comming to this kyndome under the pane of fourtie pundes to be incurred be everie person or persons contravenning so oft as they sall happen to faillie, certeifieing thame that sall faillie or doe in the contrair that besides the payment of the particular soumes aboneswrittin they sall be punished in their persons be warding and otherways to the terroure of others: And siclyke to command all and sindrie shireffs, stewarts, provests and bailleis within burgh, and all others bearing anie office or charge within this kyndome that they and everie ane of thame within the bounds of their severall offices and jurisdictions have a speciall care and regarde to see this present act observed in everie point and that they caus attend their mercats and carefullie forsee that no lambs nor no kynde of wylde foule, young nor old, be bought or sold within the same; and where they sall happen to discover anie person or persons contravening thir presents in anie point of the premissees that they take speciall notice of thame and informe the Lords of his Majestie Privie Counsell thairof to the intent the offenders may be callit, convynned, persewed and punished accordinglie, as they and everie ane of thame will answer to the saids Lords upon the dewtifull discharge of their offices."

"CHARLES. R. CHARLES be the grace of God King of Great Britaine, France and Ireland, defender of the faith, to all and sindrie our lieges and subjects whome it effetris to whois knowledge thir our letters sall come, greiting. Forsameekle as we have givin and grantit and be the tennour heirof gives and grants libertie and licence to the Lords of our Privie Counsell, Sesioun and Exchecker, and to suche as sall accompanie thame at the table to eate flesh during this forbiddin tyme of Lent and upon Wednesday, Fryday and Saturday for the space of ane yeere nixt after the dait heirof, notwithstanding quhatsomever acts and proclamationes made in the contrare, whereanent and all panes conteanit therein we dispense be thir presents; discharging heirby our Justice, our Advocat, our Justice Clerk and thair deputs, and all others our judges, officers and ministers of our lawes, of all calling, accusing or anie wayes proceeding againis the saids Lords of our Privie Counsell, Sesioun and Exchecker 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. Given under our Signet at Halyrudhous, the fyft day of Marche, and of our reigne the aucth yeere, 1633. Subscribitur, Stratherne, Wintoun, Wigtoun, Lorne, Areckine, Dunkelden, Melvill, Carnegie, S. Thomas Hop."
"Anent the supplicatioun presentit to the Lords of Secret Counsell in the name of Ladie Lilians Grahame, Ladie Lus, makand mentioun, that where it is not unknowne to the saids Lords how that John Colquhoun of Lus, her husband, having cassin aff all feare of God, hes diverted himselfe frome the said Ladie her societie and companie and hes transported himselfe aff this kingdome, taking himselfe to ane louse and dissolute maner of living, to the utter wracke of his estait and of his said spous and thair aucht childrein. And nevertheless it is of veritie that Umphra Colquhoun of Balvie, his brother german, is so farre frome piteing the said Ladeis estait that he hes caused arreist and sequestrat be himselfe and others in his name to his behove the haill rents and living of Lus and all that belongs thereto, be the quhilk arreistments the said Lady is altogether debarrd fra all kynde of maintenance for her and her aucht bairnes, and he intende to make thame to starve, without remeide be provydit; humbldie desyreng thairfoir the saids Lords to have respect to her and her aucht destitute childrein and to take suche course with the said Umphra that she be not forder troubled be him nor his pretendit arreistments, bot that she be anwered of suche competent meanes for interteanement of her and her bairnes as the saids Lords sall find met; lykewise at mair lenth is conteanit in the said supplicatioun: Quhairunto the said Umphra being callit to answer, and he compeirand personallie and the said supplicatioun being read in his audience and he heard thereupon and all that he could propone and alledge in that mater being considerit be the saids Lords and they weill advised therewith; and understanding that it is his Majesteis gratious will and pleasure that the said lady sall not be prejudged in her conjunct fie rent nor no part thairof of the lands and living of Lus dew to her be infrument of the same; thairfoir the saids Lords finds and declares that the said Ladie Lus hes full right, title and interesse to intromett with, uplift and receive the haill mailles, fernes, rents, kaynes, customes, multures and dewteis quhatsomever of her conjunct fie lands underwrittin, they ar to say, of all and haill the lands and baronie of Colquhoun with the manour places of Dunglus, houses, yairds, orchards, fishings and yaires on the Water of Clyde, mylnes, multures, loches, tennents, tenendrie and service of free tennents, of all and haill the lands of Garusk, with the manour places, mylnes, multures, fishings, yairds, orchars; tennents, tennentreis and service of free tennents of the same, all lying within the shirefdom of Dumbartane; of all and haill the lands of Sauchie with the manour places thairof, orchards and yairds of the same, mylnes, mylnue lands, fishings, croves and yle ark, loches, tennents, tenendreis and service of free tennents of the same lying within the shirefdom of Stirline; and of all and haill the lands of Colquhons Glen, tennents, tennendreis, service of free tennents of the same; and of all and haill the mylne and mylne lands of Sauline lying within the shirefdomes of Stirline and Fyfe respective; as lykewayes of all and haill the 5th land
of old extent of Wallacestoun and Ardackmoir, with all their pertinent
lying within the parish of Cardross and shiref dome of Dumbartane, and
of the mylnes bigged or to be bigged upon the lands of Wallacestoun;
and of all and haill the 14s. land of Woltoun lying within the lordship
and parish of Cardros and sherif dome of Dumbartane; and siclyke of all
and haill the lands of Borltland of Sauline lying within the sherif dome
of Yfe; and of all and haill the lands of Gartshiach within the old meiths
and merches of the same lying within the territorie of Dumbartane; and
in all and haill the tenement of land with the houses and yairds thairof
callit the Manse of Lus lying in the citie of Glasgow on the south side
of the Hie Streit thairof callit the Rottoun Raw, and of all right and
title that he had or sould acquire of the teinds, personage and vicarage
of the haill lands abonewrittin, of the crop and yeere of God 1632 yeeres,
and of all yeeres and termes to come, till the King's Majestie signifie his
forder pleasure towards her; and decrees and ordains the factours and
chamberlans of the living of Lus to make thankefull and tymous payment
to the said ladie of the maillia, fermes, kaynes, customes and dewteis
of her said conjunct fee lands of the crop and yeere foresaid and in tyme
comming notwithstanding anie arrestments made or to be made there-
onup, quhilks the saids Lords declares saill have no force nor executioun
to debarre or hinder the said Ladie of her conjunct fie rent or any part
or portioun of the same. And if by anie priour infeftments, rights or
securiteis the said Dame Lilias saill be prejudged of anie part of her
conjunct fie rent quhairunto she wes provydit be her contract of mariagie
the saids Lords finds and declares that in course of justice she aucht to
have als mekle out of the readiest of the living of Lus as will correspond
to that quhairof she saill be prejudged be the saids priour infeftments.
And for this effect the saids Lords hes modified and modifieis unto her
suche a proportioun to be payed to her out of the whole rent and living
of Lus as will correspond to her said conjunct fie rent, and that the
whole estait and living of Lus saill be answerable to her towards her
payment for what she wants and hes not receaved in tymes past. And
the saids Lords declares that since the tyme that the said Ladie her
husband diverted frome her, quhilk wes in the moneth of July, 1631,
that she hes and saill have good right to als muche of the rent and dewteis
of the living of Lus as she wanted that yeere; and ordain Robert and
David Colquhouns, present chamberlains of the living of Lus, who wer
personallie present, to answer and make payment to her of so muche of
the rents and dueteis of the living of Lus as will correspond and answer
to that quhilk after compt and reckoning there saill be found to be
restand to her of the said crop and yeere 1631; And ordains letters
to be direct heirupon, if neid beis, in forme as effeirs."

"Forsameekle as the Lords of Secret Counsell ar informed that the
Order for the
securing of
accommoda-
tion for his
Majesty's
whole or most part of the lodgings and stables within the burgh of
Stirline, Linlithgow, Dumfermeline and Falkland ar alreadie tane up be
some persons of this kingdom, so that such of his Majesty's tryne and followers as necessarie must be lodged near to his Majesty's person during his abode at the Castle of Stirling and palaces of Linlithgow, Dunfermline and Falkland will not be commodiously accommodat in lodgings and stables within the saids burrowes but will be constrained to seek their lodgings in farre and remote places from his Majesty's said castell and palaces, to the disappointing and neglecting of his Majesty's service; whilk will not onlie be offensive to his Majestie but will be a great discredit to the country that his Majesty's proper domesticks, who must necessarie attend his royall person, sail be dis-appointed of their lodgings. Therefor the Lords of Secret Counsell hes thought good heirby to intimat and declare that all these who hes tane or mynds to take lodgings and stables in anie of the saids burrowes that they will be frustrat and disappointed of their intents and that all the saids lodgings and stables will be tane up and marked for his Majesty's awne tryne and followers be his Majesty's harbengers at his heerecomming; and ordains letters to be direct to make publication heirof be opin proclamatioun at the mercat croces of Linlithgow, Stirling, Dunfermline and Falkland, and to warne all persons who hes tane or myndes to take lodgings or stables in the saids burrowes that they pro- vide themeselfes of lodgings and stables elliswhere otherwayes assuring thame that they will be disappointed, and that the saids lodgings and stables will be tane up and marked for his Majesty's tryne and followers."

"Forsameekle as for the better furthering and advancing of his Majesty's warkes quhilkis ar now in hands and must be perfytted again the tyme of his Majesty's heiroomming, necessar it is that choise be made of craftmen throughout all the parts of the kingdom and that they be compellit to enter to his Majesty's warkes where they will receave honnest wages and thankful and tymous payment and that no other imployment quhatsoever sail hinder thame; therefor ordains letters to be direct charging Thomas Campbell, Robert Aitkine and Alexander Henrie, maissons in Culroes, William Smith, John Simsons, elder and younger, Robert and David Aitkins and George Cumming, maissons in Torriburne, to make their adreste to the maisters of his Majesty's warkes at Halyrudhous and there to enter to his Majesty's warkes as they sail be directed be the maisters of his Majesty's warkes within three dayes after the charge, under the pane of rebellioun, etc., with certificatioun to thame that faillyes that not onlie sail letters be direct to denounce thame rebells and to escheit, etc., but with that warrands sail be gratit to apprehend thame and to bring thame to his Majesty's Counsell to underly thair deserved punishment."

"The act anent the punishing of Nicoll expend and subscryved."

"Robert Young, candlemaker, cautioner for James Dobie, flesher, according to the former act till the 24 of this instant."
Sederunt—Privy Seal; Wintoun; Laudersaill; Bishop of Dunkeld; Holyrood House, 12th March 1633.

Bishop of the Yles; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Tracair; Secretary; Advocate.

"The Lords of Secret Counsell hes added and adjoyyned and be the tennour heirof addes and joynes George, Erle of Wintoun, Johne, Erle of Laudersaill, Archibald, Lord Lorne, and Johne, Lord Areskine, to the Committee formerlie grantit upon the sevintene of Januar last for meeting with his Majestis Thesaurar or Deputie Thesaurar and advising with thame anent the preparaticouns for his Majestis coronation and heerecomming."

"Forsameekle as for his Majestis more commodious and easie passage frome his palace of Halyrudhous to his North Yaird it is necessar that ane entrice and passage be made over fra the said palace to the said yaird in suche ane comelie forme as may best give his Majestie contentment, and for this effect that ane doore be strucken throw the north side wall of the great towre of the said palace betweene the twa rounds for ane entrice to the said yaird; for quhilk purpose ordains and commands the maisters of his Majestis Warke to caus strike throw the said door, and to make the said entrice and passage in a comelie and decent order, whereaunt thir presents sall be to thame ane warrand."

"Forsameekle as the Lords of Secret Counsell ar informed by petition from Sir Robert Montgomerie, younger of Skelmurelie, who is chosin be the barons and freeholders of the shirefdom, of Bute to be ane of the commissioners at the ensewing parliament for that shirefdom, that the said Sir Robert is nather ane baron nor freeholder of his Majestie in anie of his lands within that shirefdom and so cannot be ane commissioner for the Parliament, quhairby his Majestis service in that particular may be vere farre prejudged without remeid be provydyt, thairfor the Lords of Serect Counsell ordains letters to be direct charging the sheriff of Bute and his depute to take tryell of the exception foresaid propouned be the said Laird of Skelmurelie, younger, and if they find the same to be trew, that with all convenient diligence they conveene the barons and freeholders within the said shirefdom and proced to the electioun of some other person in place of the said Laird of Skelmurelie, younger; and that they report the commission of his nomination and electioun subscribit and sealed according to the Act of Parliament upon the 28 day of Marche instant under the pane of rebellioun, etc., with certificationoun, etc."

"The whilk day in presence of the Lords of Secret Counsell compeir personallie Johnne Gordoun of Sheillis and become actit and obeileist as of Shielis for cautioner and souertie for Margaret Gordon, goodwife of Cormellat, that she, being fred and releevd furth of the tolbuith of Edinburgh, wher she presentlie remains, she sall compeir personallie before the saids Lords Caution by John Gordon, Margaret Gordon, goodwife of Cormellat.
upon Thursday nixt, the 14 day of Marche instant, and underly their will and pleasure tuicheing her religioun under the pane of twa hundredth merkes. *Sic subscribitur, JOHN GORDOUN."

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

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

Decision anent "the writs and evidents of the late Earl of Home's estate, in consonance with a letter from his Majesty anent the same."

Anent the supplication presentit to the Lords of Secrett Counsell be James Home, narrant appearand air to James, Erle of Home, makand mentiou, that where it has pleased his Majestie out of his gratious disposition to intamit his pleasure to the saids Lords be his missive letter for taking suche order with the writts and evidents of the estait of Home as the same may be put in safetie and made furthcumnand to suche partieis as sall be found to have best right thereto, humbelie desyring thairfor the saids Lords to give direction to thair Clerk to seale up the hail kists and coffers now presentlie standing in the Countesse of Homes lodging in the Cannogait that no persoun have accesse thereto whill it be found be some legall course who sall have best right thereto, and to caus registrat his Majestie said letter, lykees at mair lenth is contenat in the said supplication. Quhairunto James, Erle of Murrey, being warned to answer, and he compeirand personallie and the said James Home compeirand be George Home, servitor to the Lord Newabbe, it was answered be the said Erle of Murrey that the desire of the said supplication aucht not to be grantit becaus the Kings Majestie by his letter directed to the saids Lords and whereupon the said supplication is founded he's signified his royall pleasure and princelie direction that no innovation nor change be made in anie of the lands or other thing belonging to the said lait Erle without consent of partieis or course of law, but that they may continew in the estait wherein they now ar, and that the Ladie Doun, sister to the said Erle of Home and daughter in law to the said Erle of Murrey, is in present possessiou of the saids writts and evidenta be virtue of good and sufficient rights standing in her person as air to the said Erle of Home, her brother, and that the said James Home had no right ather to the living of Home or to the saids writts, and that conforme to the desire of the said letter the said Ladie Doun aucht to reteane the possessiou of the saids writts as having onelie right thereto. Quhilk answer made be the said Erle of Murrey being heard and considderit be the saids Lords and they being therewith and with his
Majesteis letter foresaid and with others the reasouns and allegatiouns of both the saids parteis well advised, the Lords of Secrett Counsell finds that the desire of the said supplication ancht not to be grantit, and thairfor refusit the same, and allowes the parteis cled with ane standing right to the said Erle of Hume his living and writte to reteane and kepe thair possessioun till the questioun anent thair saids rights be decydit and discust in the ordinair place and judgement. Followes his Majesteis missive abonementiouned:—Charles R. Right trusty and right weilbelovit cousine and counsellor, right trusty and right weilbelovit cousines and counsellers, and trusty and weilbelovit counsellers, we greit yow weill. Whereas we ar informed that diverse questions in law ar lyke to arise concerning the successioun of the lait Erle of Hume to his lands and estait, and being willing that all our good subjects have justice equallie administrid according to our lawes, and in the mean e tyme to prevent anie disorderlie courses and that no persone be defrauded of that whiche heerafter may be adjudged justlie to belong unto him it is, our pleasure that yow give order with diligence that no innovatioun nor change be made in anie of the lands or other things belonging to the said Erle without consent of parteis or course of law, but that they may continew in the estait wherein they now ar. And if in the mean e tyme anie person have takin upon thame to take possessioun of anie lands, houses or other things belonging to the said Erle, that the same be putt in the estait wherein it was at the tyme of his death; and our further pleasure is that yow take suche a course as yow in your judgement sall thinke fitt according to the lawes of the kingdome that the writs and evidents concerning his honnour and inheritance may be made furthecomming to the use of suche persons as by the lawes of that kingdome sall be found to have just right thereunto; whiche recommendong unto your speciall care, we bid yow farewell. Frome our Court at Whithall, 15 February, 1633."

"Forsameekle as by diverse acts and proclamations made and publisched heeretofore all strong and sturdie beggers wer charged to have retired thaminselis to thair awne parishes and not to have resorted nor repaired toward the burgh of Edinburgh, the Cannogait and others parts neere thereto, and direcitoun wee givin to the magistrates of the Cannogait, the West Port, Potterrraw, and others parts about the burgh of Edinburgh and to the awners of the houses in the raw callit St Ninians Raw or the Theefe Raw at the foote of Leith Wynde to have keeped thair bounds free of the saids strong and sturdie beggers and not to have suffered thame to have had anie bield, ressett or residence within the same, notwithstanding quhairof it is of truthe that great numbers of thair vagabound beggers reparis fra all parts of the countrie toward the Cannogait and others touns about the burgh of Edinburgh where they ar ressett, hoorded and kepeed and by thair shamefull exclamatiouns and crying so troubles and wearies the noblemen and others his Majesteis
subjects walking upon the streets as they cannot conveniently attend their lawful affairs and business at the Council and Sessions; while all proceeds from the careless negligence of the magistrates and owners of the lands within the said bounds; and if order be not now heerewith before his Majesties comming to this kingdom his Majesties Court will be pestered with thir beggerlie lymmars and the country discredited and shamed; thairfor ordains letters to be direct charging the bailles of the Cannogait, West Port and Pottermaw, the baillie of the regalitie of Brouchtoun, Sir George Toures of Innerleith, Sir Thomas Thomsone of Duddingston, the baillie of Restalrig, James Bannatyn and the relict or airs of umquhill M' Umphra Blemells, heretours of the lands of St Ninians Raw, to compear personallie before the said Lords upon the 19 of this instant to underly suche order as sall be injoynd unto thame tuiching the keeping of thair bounds free of the said vagabounds and beggers, and that they have no ressett nor beild there under the pane of rebellion, etc., with certificatioun, etc."

"Forsameekle as the small barons and freeholders of the shirefdomes of Dumbartane and Renfrew have made chose of Sir Ludovic Houstoun of that Ilke to be ane of the commissioners for both the said shirefdomes at the enswearing parliament, and whereas there is great skarsetie of freeholders within the shirefdom of Dumbartane and great plentiful of the same in the shirefdom of Renfrew, thairfor the Lords of Secreit Counsell hes thought meit and expedient that the said Sir Ludovic sall be receaved commissioner for the said shirefdom of Dumbartane and that ane new election and chose sall be made of ane commissioner in place of the said Sir Ludovic for the shirefdom of Renfrew at the said enswearing parliament. For quhilk purpose ordains letters to be direct charging the Shire of Renfrew and his deputies to conveene the small barons and freeholders of the said shirefdom with convenient diligence and at thair meeting to make chose of some other sufficient and qualified person in place of the said Laird of Houstoun to be commissioner for shirefdom at the said parliament, and to report the said commissioun of his nomination and election subscribit and sealed to the said Lords conforme to the Act of Parliament upon the 28 day of Marche instant under the pane of rebellion, etc., with certificatioun, etc."

"Forsameekle as James Liddell, servitor to our soverane Lords lait darrest father of blessed memorie, having long and faithfullie served his said late Majestie in his bakehou and pattislee and, when his said Majestie come to this kingdom in the 1617 yere of God, the said James was imploied in that same charge and service and carried himselfe with great discretioun therein; and the Lords of Secreit Counsell, considering that the said James his service in the imploymet and charge foresaid will be most necessarie at this tyrne when his Majestie comes heir, and to the intent he may attend the same service without feare of anie civill horninges that he underlyes, thairfor the Lords of Secreit
Counsel gives and grants unto the said James thair warrand, libertie and licence to make his addresse heere and to attend the service foresaid and suche preparatiouns as concerneth the same fra the first day of Aprile nixtcome to the first day of August thereafter, and in the meanetyme to be untroubled, arressted or warded be vertew of anie civill hirnings, captiouns or other warrand execute againis him for anie debts; discharging heirby all shireffs, stewartes, bailleis of regaliteis, proveste and baillieis within burgh, and all others judges, officiars and magistrates to burgh and land and als all messengers of armes of all taking, apprehending, warding or arressting the said James Liddell be vertew of anie civill hirnings, captiouns or other warrand execute againis him for anie debts; discharging, etc."

"The quhilk day in presence of the Lords of Secreit Counsell com-peire personallie Margaret Gordoun, goodwife of Corneliat, and actit and obliest hersel that she shall make her addresse with convenient diligence to her awne dwelling hous, and that she shall remaine within her awne parish and not transgress the bounds thairof, and that she shall behave hersel modestlie without giving mater of offences or scandal to the Kirk, and that she shall not ressett Jesuits nor preestes, under the pane of ane thousand pundis incaise she fallie in anie point of the premises."

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

"The whilk day in presence of the Lords of Secreit Counsell com-peire personallie Archibald, Lord of Lorne, and gave in the missive letter underwrittin, signed be the Kings Majestie and directed unto the said lord, of the whilk the tenour followes:—CHARLES R. Right trustie and weilbelovit counsellour, we gret yow weill. Being informed that your father and predecessours to our royall progenitours of that our kingdome, our pleasure is, in regarde of your fathers absence from thence, that yow at our comming there, God willing, this next sommer supplee his place in anie thing that may concerne that office as he hath formerlie done, wherein not doubting but that yow will weill and carefullie discharge yourselves, we bid yow farewel. Frome our Court at Whitehall, 15 of Febrararie, 1633. Followes the directioun on the backe—To our right trustie and weilbelovit counsellour the Lord of Lorne. Quhilk missive being heard and considerit be the saids Lords they ordaine the same to be insert and registrat in the bookee of Secreit Counsell, and allowes of his Majesties royall pleasure mentionned therein

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in making chuse of the said Lord of Lorne to supplee his fathers places of cheefe maister houshold; and accordinglie interpos their auctoritie thereto."

"The Lords ordains missives to be writtin to the dukes, marquisses, and earles to attend the coronation with their crownes and robs of crimsoun velvet emnermed."

"The Lords allowes of the propoition made be the provest and bailieis of Edinburgh anent discharging the wearing of plaidis."

"After our verie heartill commendations to your good lordship. The Marquises of Huntlie having exhibite the goodwife of Cormellat before us and we having questioned her upon some point concerning her religiuon, we find her to be ane obdure ignorant papist without all hope to be reclaimed, and she appeares verie willing and readie to accept of banishment, qhikils (as we conceave) she does purposelie to conciliat pitie and favoure in forran partes as one persecuted for religiuon. And becaus this will be disgracefull to the nation that suche ane old foolish wife could take this advantage aganis the proceedings of our Kirke, we have forborne to give eare to the motioune of her banishment, and we have tane this course with her and actit her that she sall remaine within her awne parish and that she sall behav hersellie modestlie without giving mater of offence or scandall to the Kirk, and that she sall not restet Jesuits nor preists under the pane of ane thousand punds, and we have remitted her to your lordship to underly quhat forder your lordship sall injoinye to her, wherein your lordship sall use your awne discretiouin, etc. Subscribitur, Hadintoun, Eglintoun, Lauderdail, Iles, Sr Thomas Hope. Halyrudhous, 15 Martij, 1633."

Charge to restore to certain persons of Hamburg the ship which had been taken by the representatives of Captain Robertson. See ante, p. 19.

"Forsameekle as the Kings Majestie by his letter written and directed to the Lords of his Privie Counsell hes signifiied his royall pleasure and princelie commandement that without forder delay these persons, who wer entrusted be the saids Lords to receave and keepe the shippe and goods of Hamborrow sequestrat at his Majesteis direction, sall delyver the same to the persons of Hamborrow having right to receave thame, as his Majesteis letter heiris, thairfor the Lords of Secret Counsell ordains letters to be direct charging the Erle of Rothes, Sir Patrik Hepburn of Wauchtoun, Sir George Hamilton of Blackburne, Androw Ainslie, George Arnot, and John Cowane, partners in the letters of reprisall grantit to Captane Robertson, to compeer personallie before the saids Lords upon the 26 day of Marche instant to heare and see his Majesteis pleasure and direction mentioned and conteainit in the saide letter satisfied and obeyed, or ellis to shaw a reasonabill cause why; with certification to
thame and they failie that the desire of the said letter sall be grantit. Followes his Majesteis missive abonenmentioned;—CHARLES R. Right trustie and right weilbelovit cousine and counseler, right trusty and weilbelovit cousines and counsellors, and right trustie and weilbelovit counsellors, we greit yow weill. We have understood by your letter that yow have discharged the letters of reprisall grantit to [the] late Captane Robertsone till we sall find caus for renewing thatrof, bot have not givin order to delyver the ship and goods, according to our letter writtin to yow of lait tuiching that purpose; wherein seing that course was intended by ws upon good consideratious we still continew in our former resolu'ion tuiching the same. And thatfor it is our pleasure that without further delay yow caus these persons who wer entrusted by yow to receave and keepe the ship and goods soquestrat by the command of our letters to delyver the same to the persons of Hamburgh having right and power from that state to receave thame, and receave thair discharges thairupon, and we will be careful to see that our subjects interested be repaired by having speedie justice and payment of that whiche sall be found justlie dew unto thame, they alwayes requyring justice as is signified by our said letter. Wherein not doubting of your conformitie to this our pleasure we bid yow farewell. Frome our Court at Whitehall, the 4 day of Marche, 1633."

"Forsameekle as the bailleis of the Cannogait, being charged to have compeir before the Lords of Privie Counsell this present day to have underlyne suche order as sould be injoynned unto thame tuiching the keeping of thair streits and bounds cleane and free of strong, sturdie and ydle beggers, who lyes upon thair streits and hes ressett within thair toun and bounds to the discrede of the natioun, and qhilkil will be ane great reproache to the countrie at his Majesteis heerecomming if the said toun and bounds of the Cannogait be not keepe free of the saids beggers; and the saids bailleis compeirand personallie they actit thameselfis to keepe thair bounds and jurisdiction free of strangers beggers, and tuiching thair awne poore they declaired it was impossible to get thame haldin aff the streits if some course wer not takin whereby they might be interteanned in houses by a monethlie contributioun to be given be the inhabitants and others within thair jurisdiction, as is done within the burgh of Edinburgh; and they humbelie desired that they might have the saids Lords warrand and allowance to try the benevolence of thair inhabitants and others within thair jurisdiction toward the pay-ment of a monethlie contributioun for interteamiento of thair awne poore. Qhilkil desire being heard and considdirit be the saids Lords and they finding the same to be a good and charitable motiouen and worthie to be embraced and followed out, thairfor the saids Lords gives warrand and power be thir presents to the bailleis of the Cannogait to try the benevolence of the inhabitants within thair bounds and jurisdiction towards the interteamiento of thair said poore what everie ane of thame
will monethlie contribute to that good worke, and tuicheing suche as
salbe refractor and sall refuse to contribute, with power to the saids
bailleis to impose suche a proportionable and reasonable soume upon
thame as they in their discretioun sall thinke fitt and as the partei may
reasonable pay without their seene hurt, and to make report of their
proceedings againis the persons who sall be refractarie and who sall
refuse to contribute in this so necessar ane worke to the saids Lords to
the intent they may give their approbatioun thereto accordinglie.”

“After our verie heartilie commendatiouns to your good lordship,
Whereas the Kings Majestie is resolved, God willing, in this approacheing
sommer to honnour this his ancient kingdom with his royall presence
als weill for receving of his crowne as for halding of ane Parliament,
quhil is proclaimed to be haldin at Edinburgh and to begin upon the
18 of Junij nixt with continuatioun of dayes, at the quhilks solemnitiis
his Majestie lookes that the nobilitie of this kingdome out of their
dewtiful respect to his Majestie obedience and to the honnour and
credite of their country will give their presence and assistance; and
thairfoir according to his Majestie direction sent to us in this mater
these ar to requiest and desire your good lordship to prepare your
selfe and to be in readiness to keepe the appointed tyme of these
solemnitiis in that statelie and decent forme as besemeth the dignitie
of suche actioune, viz. with your rob of crimsoun velvet enermyned
and your crowne at the coronatioun and with your scarlat rob at the Parlia
ment; and no wayes doubting that you will be wanting in anie thing
which to your dewtie in so important a bussines, so neerelie concerning
his Majestie in honnour and state, and whiche is the first that occurred
in that kingdome, belongeth, we committ yow to God. Frome Halyrud-
hous, the 19 day of Marche, 1633. Subscribitor, Hadintoun, Wintoun,
Areskine, Dunkelden, Melvill, Arch. Achesoun.
will breed ane great confusion in that service and will hinder and interrupt the tymous helping of his Majestie saids houses; and whereas the necessitie of the tymous repairing of the saids houses and of the palace of Falkland is so important for the credite of the countrey as they cannot suffer delay, thairfoir it is agreed and ordained by his Majestie Councell, with consent of the Lord Deutie Thessaurar for himselfe and takand the burdein on him for the Lord principal Thessaurar and of the saids maisters of warke, that for the moneth of Marche instant, Apriile and May nixt, the Lord Deutie Thessaurar sail furnishe and advance fra tyme to tyme moneys for the furtherance and advancement of his Majestie warkes in his houses foresaid, and that his Majestie sail beare the whole charges theairof als weill of that whilk is undertane to be the saids maisters of warke as of the extraordinarie service whereunto they ar not lyable. And the saids maisters of warke out of thair respect to his Majestie service ar content to dispense with thair parts of the said contract for the three moneths foresaid allanerlie and with the payment of thair monethlie allowance for the three moneths foresaid, provyding that this be not prejudiciall to thair contract, bot that the same stand in force thereafter."

*Sederunt*—Stratherne; Privy Seal; Wintoun; Wigtoun; Perth; Holywood; Galloway; Lauderdaill; Bishop of Dunkeld; Bishop of Dunblane; Bishop of the Yles; Lord Lorne; Areskine; Melvill; Tracquair; Secretary; Advocate; Sir James Baillie.

"The whilk day the missive letter underwrittin, signed be the Kings Majesty and direct to the Lords of Privie Counsell, wee presentit to the saids Lords and read in thair audience, of the qubill the tennour followes:—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 well. Whereas we have heard that yow have charged our right trustie and right weilbelovit counsellour, the Marques of Huintlie, to present before yow some excommunicated persons upon the 28 of the last month whiche (as we ar informed) he could hardlie doe with that speed that wee required, in garde to his great age and infirmitie of bodie and that the shireships of Aberdein and Innernes ar out of his hands and otherwayes disposed of by us, being resolved to be further informed frome yow tuiching the estait of that bussines at our being now verie shortlie, God willing, in that our kingdome, our pleasure is that till that tyme yow suffer no processe to be prosecuted aganis him tuiching that purpose, leaving yow in the meane tyme to take what other order yow sall think fitt for apprehending and presenting of the saids persons before yow and leaving all others whatsoever anie wayes interested to proceed tuiching that bussines according to the dew and ordinarie course of our lawes; and for
your so doing these presents sall be your sufficient warrand. Frome our Acta, June Court at Whitehall, the 15 day of Marche, 1633. Qhilk missive being heard and considderit be the saied Lords, they ordaine the same to be insert and registrat in the booke of Privie Counsell, and ane copie thairof to be sent to the Bishop of Aberdein."

"Forsameke as the small barons and freeholders within the shirefdom of Stirline hes made choice of William Livingstoun of Kilsyth to be ane of their commissioners at the approachinge parliament, who being heavillie diseased with infirmityt and sickenesse and being upon the point of his departing furth of this kingdome for recovering of his health, he cannot attend upon his charge at the said parliament; and thairfoir necessar it is that some other person be nominat in place of the said Laird of Kilsyth to attend the parliament as commissioner for that shire; thairfoir ordains letters to be direct charging the shireff of Stirline and his deput to convene the small barons and freeholders within the said shirefdom with convenient diligence and at thair meeting to caus choise be made of some other sufficient baron and frehalder in place of the said Laird of Kilsyth, and to report the act of his electiuon subscribit and sealed, conforme to the Act of Parliament, upon the 24 day of Apriline nixt, under the pane of rebellion, etc., with certificat, etc."

"Forsameke as it is understand to the Lords of Privie Counsell that there is no electiuon made at all of commissioners within the shirefdom of Fyfe to attend this approachinge parliament wherein some excuse was pretendit upon the absence of the principall shireff who was at Court for some of his Majesteis speciall affaires, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the shireff principall of Fyfe and his deput to convene the small barons and freeholders within the said shirefdom and at thair meeting to caus choise be made of twa commissioners, freeholders of the said shirefdom, conjunctlie and severally to be commissioners for the said shirefdom at this approachinge parliament; and that the said shireff and his deput report ane act containing their nomination and electiuon subscrived and sealed, conforme to the Act of Parliament, to the saids Lords upon the 24 day of Apriline nixt, under the pane of rebellion, etc., with certificat, etc."

"Forsameke as there is great necessitie that tymous provisioin be made of strae for furnisheing his Majesteis hous and equerie and the noblemen and others that ar to accompanie his Majeste at his coming to this kingdome, thairfoir ordains letters to be direct charging officers of arms to pas, fence and arrest the hall strae als weil being in stackes as otherwyse within the parishes of Libberton, Duddingston, Restalrig, etc., to remaine under arresteiment undisponed, sauld or put away in anie wayes, but that the owners thairof preserve and keepe the same for his Majesteis use, for the qhilk the owners sall receave tymous and thankfull payment frome his Majesteis Thesaurar and Deputie Thesaurar;
certifying all and sundrie persons who shall break this arrestment or dispone upon the same so to be arrested that they shall be callit and exemplarlie punished to the terror of others."

"Forsameekle as the warrant formerlie grantit be the Lords of Privie Counsell to Sir Alexander Home, younger of Manderstoun, for his safe repaire and remaining within this kingdom to the effect he might take some course and order for satisfaction of his creditors, expyres upon the last of this instant; and whereas the said Sir Alexander has been disabled from using the benefit of the said warrant toward the satisfaction of his saids creditors be resoun of his necessar attendance upon his Majestie's service at Court and that he is now shortlie to come to this kingdom in companie with his Majestie where he intends, God willing, to use his best endeavours to give all his creditors contentment, so farre as in him lyes; therefor the saids Lords prorogate the warrant grantit to the said Sir Alexander to the effect abowenwritten until the last day of August next; discharging in the meanie tyme all shireffes, stewartes, bailies of regalities and their deputies, provestes and bailies within burgh and others judges, officers and magistrates to burgh and land and als all messingers of armes, of all taking, apprehending, warding or arresting the said Sir Alexander be vertue of anie civill hornings, captiouns or other warrant execute aganis him for anie debts, discharging, etc."

"The whilk day James Maxuell of Innerweik, one of his Majestie's bedchamber, produced and exhibite before the Lords of Privie Counsell ane booke conteining the forme of his Majestie's coronation with the missive letter underwritten signed be the Kings Majestie and direct to the saids Lords, of the whilk the tennour followes:—CHARLES R. Right trusty and right wellbelovit cousin and counsellor, right trustie and wellbelovit cousines and counsellers, right trustie and wellbelovit counsellours, and trustie and wellbelovit counsellours, we greit yow weill. Haveing perused and approved this forme intended for our coronation, whiche we doe send you herewith to the effect that all things may be prepared acordinglie in dew tyme whiche ar requisite for that purpose, our pleasure is that yow call before yow all suche persons to whom yow sall find anie charge concerning the same doeth belong and that yow give speciall order to everie one of them that they be carefull to discharge their part of the said service wherewith they ar entrusted. And if anie difference be amoghe thame tuichinge thair particular offices that yow so compose thame as there may be no trouble hereafter bot that the service may be performed in good order to our contentment and for the credite of that our kingdom. So remitting this to your care as a mater that doeth specially concerne our service, we bid yow farewell. Frome our Court at Whitehall, the fourth day of Marche, 1633. Quhilk missive and booke being read in hearing of the saids Lords, they allowed and approved of the said booke
and forme of his Majestis coronatioun therein conteanus, and ordainid the boke to be delveryed to the said James Maxuell quhilck wes accordinglie done."

"Missives to the shireffs to conveene the freeholders within their several shires and there to advise what soumes of money will be requisite towards the provisoun and making of footmantles and defraying the charges of the commissaries choosin to the Parliament, and accordinglie to modifie and sett down the soume and to distribute the same among the freeholders."1

"The shiriff of Berwick tooke the 24 of Apirle to report anent the carriage. Hadinton tooke the same day. Cirstorphine, comperand for Kilisythe, shiriff of Claxkmannan, promeist to caus the shireffs depute to undertake and report the day foressaid."

*Sederrunt—Stratherne; Privy Seal; Linlithgow; Wintoun; Wigtoun; Bishop of Dumblane; Bishop of the Yles; Araskine; Melville; Traquair; Secretary; Advocate; Sir James Baillie.

"The whilk day Thomas, Erle of Hadinton, Lord Privie Scale of this kinglyme, exhibite and produced before the Lords of Privie Counsell one patent under his Majestis great seal bearing dait at Whitehall, the 21 day of Januar last, whereby his Majestie was pleased, in remembrance of the worthie and faithfull services done to his Majestie be his right trist cousine and counseller, William, Erle of Monteith, President of his Majestis Privie Counsell, to erect the lands and baronie of Airth, pertying heritable to the said Erle of Monteith, in ane free erledome to be callit in all tyme comming the erledome of Airth, and to anexe and unite thereunto the lands and erledome of Monteith, without prejudice alwayes of the chartour of the erldome of Monteith grantit be his Majestie predecessour of famous memorie, King James the First, to Malissus, Erle of Monteith, and his airis, unto whom the said William, Erle of Monteith, is undoubted air of lyne and succeusoun servit and retourit, quhilck chartour is of the dait the saxe day of September, 1428 yerees, and in the 22 yeere of the said king his raigne. Lyekeus our said Soverane Lord by his patent foresaid hee made and constitute the said William, Erle of Monteith, and his airis Erles of Airth and hes unite and annexed the said erledome of Monteith to the said erledome of Airth with all the libertis, privilidges and immunitis pertying to ane free erledome, especiallie with the place, prioritie and precedence dew to the said Erle and his predecessours as Erles of Monteith in all parlamentis, conventioums, publicit meitings and other wayes before all erles quhatsomever made and creat since the said saxe of September, 1428; and hes ordained

1 By an Act of the Restoration Parliament of 1661 it was ordainid that the shire should pro-
vide footmantles for their commissaries, who were to restore them at the rising of the Parlia-
the said Erle and his airis to be callit in all tyme comming Erles of Airth, and to bruik and injoy the honnours, dignitie and precedenye
dew to thame be vertew of the chartour foresaid grantit to the said
Malissus, Erle of Monteth, before all others, as the said patent more fully
proports. Qhilik patent being read in the saide Lords audience, and
heard and considderit be thame and they acknowledging his Majesteis
princelie remembrance of the said Erle of Airth his faithfull services,
they in humble and dewartfull obedience to his Majesteis royall pleasure
and direczioun allowes the said Erle and his airs to be callit in all tyme
comming Erles of Airth, and to have the rank, place, vote and precedence
in all parliaments, generall counsells, privat and publick meetings,
according to the date of the chartour abonewrittin grantit to the said
Malissus, Erle of Monteth. Lykeas the said Erle of Hadintoun delyvered
the said patent to Johne, Lord Steuart of Tracquair, Deputie Thesaurar,
in name of the said Erle of Airth, whois absence upon knowne necessitie
of his imployement in his Majesteis affaires, was excused, and the said
Lord Tracquair receaved the said patent in name of the said Erle of
Airth with all humble and dewartfull respect."

"Anent our soverane lords letters direct makand mentioun,—For-
sameekle as the Kings Majestie by his letter written and directed to the
Lords of Privie Counsell hes signified his royall pleasure and princelie
commandment that without forder delay these persons who wer entrusted
be the saide Lords to receave and keepe the ship of Hamborrow, callit
the Jonas, and goods being therein sequestrate at his Majesteis direczioun,
sall delyver ye the persons of Hamborrow having right or power
frome that state to receave thame, as his Majesteis letter beiris: And
anent the charge givin to Sir Patrik Hepburne of Wauchtoun, Androw
Ainslie, Johne Cowane, Johne, Erle of Rothes, and Sir George Hamilton
of Blakburne, partners in the letters of repriissall grantit to umquhill
Captane Robertsone and Adam Livingstoun and Robert Forrest, who hes
the trust and keeping of the goods, to have compeirand personallie before
the Lords of Privie Counsell; to witt, the saide partners at ane certane
day bygane, and the saied Adam Livingstoun and Robert Forrest this
present day, to have heard and seene his Majesteis pleasure and direczioun
mentiouned in the said letter satisfied and obeyed in all points, or ells
to have shawin ane reasonabill caus why the same scould not be done,
with certificatioun to thame and they failyied that the desire of his
Majesteis said letter scould be grantit, lykeas at mair lenth is conteanit in
the saids letters, executiouns and indorsatiouns thairof: Qhilikas being
called and George Arnot, Androw Ainslie and Johne Cowane compeirand
personallie with the saied Robert Forrest and Adame Livingstoun, who
did the trust and keeping of the goods abonewrittin, and Barthold
Oldhues, skipper of the said ship, in name of the town of Hamburgh
compeirand lykweways personallie, the reasoun and allegatiouns of the
saids partieis togider with his Majesteis missive letter foresaid direct
frome his Majestie to the saids Lords concerning this purpose being read, heard and considerit be the saids Lords, and they being therewith weill advised, the Lords of Secret Counsell decernis and ordains the persons foresaidis compeirand to rander and delvery to the said Barthold Oldehues, skipper of the said ship, in name of the said toun of Hamburgh, the ship and goods abonewritten, at the sight of Alexander, Erle of Linlithgow, Lord Admirall of this kingdome, unto whome the saids Lords hes remitted and remitts the modification of the charges to be payed be the strangers for lebearing and keeping of the saids goods; and ordains letters to be direct heirupon if neid beis in forme as effeire.

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

"The Lords having heard the pettioun givin in be the Erle of Angus and the Erle of Erroll as constable and the Erle of Wigtoun as great Usher tuicheing the rights and dewteis acclaime be thame in the service of the coronation, the Lords assigns to thame Saturday in the foresoone in the laich counselhouses of Edinburgh to give in thair clames and instruct the same."

"After our verie heartlie commendatious. Whereas it is cleerlie provided be diverse Acts of Parliament that the charges and expenses of the commissioners for the small barons and freeholders at Parliaments and Generall Counsells sall be payed be these for quhom they have place and voice at these meetings, and seing choise is made of commissioners for that shirefdom to attende at the approacheing Parliament, who must be furnishd with foote mantella and apparell suitable to the dignitie of that solemnitie, these at thairfoir to request and desire yow to convene the small barons and freeholders of that shirefdom with convenient diligence and shew unto thame the necessitie of their contributing in this earand and accordinglie deale with thame that they will willinglie condescend and agree to suche a reasonable and proportionable soume towards the charges and expenses of their commissioners and for their
FOote mantells and apparelling as the importance of that great actioun and the honnour of the countrie requires, letting thame understand that if by intretie they will not doe that quhilke in reasoun and justice they sucht to doe, that by course of law they will be compellit to doe the same. And so committing yow to God, we rest, etc. Edinburgh, 29 Martij, 1633. Subscribitor, Airth, Linlithgow, Wigtoun, Melvill.

Sederunt—Melvill, preses; Wintoun; Linlithgow; Wigtoun; Edinburgh, 30th March 1633.
Gallouay; Bishop of Dumblane; Bishop of the Yles; Areskine; Tracquair; Secretary; Sir J. Baillie.

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

Most sacred Soverane, Your Majestis letter of the 4th of Marche concerning your Majestis coronatioun with the forme of the said coronatioun was delveryed unto us upon the 26 of the said month by James Maxwell of Innerweik, one of your Majestis bedchamber, and after perusall and reading of the said letter and forme of coronatioun, William Erle of Erroll, your Majestis High Constable of this kynsdome, finding nather himselfe nor his office anie wayes mentiouned therein did exhibite a supplication unto us setting furth that as by his office he is High Constable of this kynsdome and consequentlie the cheefe swordeman therein, so the ceremonieis concerning the sword ar onelie performable by him at your Majestis said coronatioun, and that the honnours, privileges and digniteis concerning the sword ar onelie dew and proper to him in the right of his said office; and thairfor did intreate us to mainteane him in the posseesioun and exercise of his said office at the said coronatioun, as by his supplicatione more at large may appeare. And in regarde your Majestis said letter did require us to give order to suche...
of your Majesteis officers as have anie charge in your Majesteis said coronatyon to be carefull in the execution and discharge of their several services qubairwith they ar intrusted and so to compose all differences as that glorious action may be performed in good order to your Majesteis contentment and for the credite of this your Majesteis ancient kingdome, thairfoir we in humble obedience of your Majesteis saids directiouns have at large consisserit of the said Lord High Constable his supplication and of his said office and doe find that he, in the right of his place as lieutenant general and supreme officer nixt unto his Majestie, having the command and governement of your Majesteis armie of this kingdome, and that he is onelie judge in militarie effaires and in all actions concerning the officers and compaines of the said armie and of all ryote, disorders, blood and slaughter committed within foure myles of your Majesteis sacred persoun or of your Majesteis Parliament and Counsell representing the royall auctoritie, and that unto his charge doeth belong the guarding of your Majesteis owne royall person in tyme of Parliament or coronatyon, togidder with the command of all guards or men at armes attending upon your Majestie at suche publict tymes, and that the keyes of the Parliament hous ought to be committed to his keepings, and that in tyme of Parliament he ought to ryde upon your Majesteis right hand and carie a white battoun in tokin of his command and that he ought to sitt in the Parliament hous apart frome the rest of the nobilitie upon your Majesteis right hand having the honnours lying beside him, all whiche we humbelie represent to your Majesteis royall consideration, whereby your Majestie may be graciously pleased to give order for preserving the said High Constables libertes and privilidges als weill in the coronatyon as Parliament and conventions, he being your Majesteis cheefe officer unto whome all the ceremonies of the sword and honors of the said office doe dewlie and properlie belong, so farre as we can learn or find by mater of record or otherwise, and the rather because we doe perceave in your Majesteis said High Constable a most noble and generous zeale to imitat the honnour and glorie of his noble progenitors, whois famous and valorous actionins in tyme of warre and wisdome and vertew in tyme of peace and at all publict solemnites did not onelie merite and dignifie the said office but also hes ever hitherto honorablie preserved the same in reputation without anie spot or blemish since their first patent thairfof grantit be King Robert the Bruce unto Gilbert, Lord Hay, first constable of that name, unto whome the said William, Erle of Erroll, by a long continewed descent hath lineallie succeeded in the said office after the death of manie of his noble ancestors killed in the warres and service of your Majesteis most noble progenitors, as is deservedlie recorded with commendation to all posteritie by the historeis and records of this your Majesteis ancient kingdome. So praying God to blesse and prosper your Majestie in all your royall effaires and with a long and happie raigne over us, we
humbelie take our leave and sall ever rest as in dewtie bound to be, etc.


Sederunt—Airthe, preses; Mar; Galloway; Dumblane; Melvill; Tracquair; Secretary; Sir James Baillie.

Holyrood
House, 2nd
April 1638.

The Lords of Secret Counsell according to ane warrand and directioun in writt, signed be the Kings Majestie and this day presented unto thame, ordains and commands his Majesties Justice, Justice Clerk and their deputs to continew the dyet appointed to John Grant of Glenmoreistoun, Patrik, John and Duncan Grants, his three soones, for thair compeirance befores he said Justice and his deputs in the tolbuth of Edinburgh upon the 18 day of Aprile instant to underly the lawes for ressett, supplie and assistance of James Grant, brother to umquhill Patrik Grant of Carrown, and for art and part with him of diverse slaughters, heirships, thefts and oppressiouns, at lenth specifiit in the criminal letters raised aganis thame at the instance of John Grant of Ballindallach and his Majesties Advocat for his Majesties interesse, untill the twelffe day of Julij nixtocom, takand first new cautiiun of the said Laird of Glenmoreistoun and his saids three soones for thair entrie and compeirance before the said Justice the said twelffe day of Julij nixt to underly the law for the crymes abonewrittin under the panes conteanit in the criminal letters raised heeresanent, viz., the said John Grant of Glenmorestoun under the pane of 3000 merkes, the said Patrik Grant, his sonne, under the pane of 2000 merkes, and the saids John and Duncan Grants, either of thame under the pane of ane thousand merkes; and that the saids Justice, Justice Clerk and thair deputs dispense with the personall compeirance of the partes, cautiiun being found in maner abonewrittin, anent the doing whairof the extract of this act sall be unto the saids Justice, Justice Clerk and thair deputs, ane warrand. Followes his Majesties missive for warrand of the act abonewrittin:—CHARLES R.

Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we gret yow weill. Whereas by our letter we wer pleased to require our right trustie and weilbelovit cousine and counsellor, the Erle of Tullibardin, to use his best endeavours for settlling the differences amongst the name of Grant, having to that effect writtin to yow to give him your best assistance, whiche yow did, bot in garde of the shortnesse of tyme and the remotenesse and distance betweene the dwellings of the partes interested could not conveniuntlie at that tyme be effected, though (as is certified) the said Erle had takin great panes, to the end these differences may be the better takin away, we intend before our returne frome that our kyndome to caus examine thame from the
beginning for certifieing us of the trew estait thereof that they may be the more easilie composed and ordered as we sall find just caus. In respect whairof and that no complaint of that kynde come before us, speciallie at the tyme of our being there, our pleasure is that all criminall causes and actionns now depending amongst these of that name be deferred till the tyme before our said returns, and to that effect that yow give order accordinglie to our officers and others whome it doeth concerne. We bid yow farewell. Frome our Court at Whitehall, the 21 of Marche, 1633."

"Forsameekle as our Soverane Lords predecessours, considering the great hurt that the making of mureburne did produce in sindrie parts of this kyndome not onelie by corrupting of the air and destroying the floorishe of all trees and herbes neere to the parts where the mureburne was made, if the same fell out (as commounlie it does) in the spring tyme, but by the spoyle of all kynde of wylde foule who ar bred and fed in mures, thairfor his Majestieis saids predecessours with advice of thair Estates in Parliament did by divers acts forbid and discharge the making of mureburne in anie part of this kyndome after the moneth of Marche yeerelie under certane panes mentiouned in the saids acts, as the same at lenth beiris. Notwithstanding thairof the Lords of Secret Counsell ar informed that the carelesse advertinge to the precise observaition of the saids acts hes renewed the former abuse of making of mureburne at all tymes and seasauns to the great hurt of the commounweale, and if it be not looked to in tyme will make ane great skarsetie of all kynde of wylde foule this yeere when his Majestie is to honnour this his ancient kyndome with his royall presence. Thairfor the saids Lords ordains letters to be direct to command, charge and inhibit all and sindrie his Majestieis lieges and subjects, be opin proclamatioun at the mercat croes of the heid burrowes of this realme and others places neidfull, that none of thame presoom nor take upon hand to make anie mureburne this present yeere nor at anie tyme heerafter after the said moneth of Marche yeerelie under the panes conteunit in the acts and constitutions made and published heeremanent of before; certifieing thame that sall faillyie or doe in the contrair that they sall be callit, convenned, persewed and punished conforme to the saids lawes with all rigour: And to command and charge all and sindrie shireffs, stewarts, bailleis of regaliteis, justices of peace, and others judges, officers and magistrats quhatsoever that they and everie ane of thame within the bounds of thair awne limits, offices and jurisdiccion have a speciall care and regarde to see this present act and ordinance proceislie keepe, and to notify the names of the contraveenners to his Majestieis Counsell to the effect the saids contraveenners may be 'callit, persewe and punished accordinglie, as the saids shireffs, stewarts, bailleis, justices of peace and others magistrats foresaid will answer to his Majestie and his Counsell upon the dewtiful discharge of thair offices."
"Forsameakle as the persons underwrittin being nominat and appointed to have surveyed the his wyes through the quhilks his Majestie progresse in this kynedome lyes and to have givin order and directioun for repairing, mending and enlarging of the same be the labours and travellia of the persons nixt adjacent, and to have reported their proceedings to the saids Lords at ane certane day in the moneth of Marche now bygane, they ar to say—for the bounds betweene Bervik and Dunglas the lairds of Langtoun and Blacader, Mr James Nicolsone of Colbrandspeth and the Erle of Homes baillie; for the bounds betweene Dunglas and Seatoun, the Lord Yester, the Laird of Wauchtoune, Sir Robert Hepburne and the Laird of Rouchla; for the bounds betweene Seatoun and Edinburgh the Erle of Lothiane, the Lord Ramsay, the Lairds of Prestoun, Lugtoun and Edmistoun; for the bounds betweene Edinburgh and Linlithgow the Lairds of Dundas and Corstorphin, Johne Dundas of Newlistoun and Thomas Dalyell; for the bounds betweene Linlithgow and Stirline, the Erles of Linlithgow and Wigtoun, the Lairds of Powmais and Keir; for the bounds betweene Stirline and Dumfermelin, the Erle of Mar or Lord Areskine, the Lairds of Clackmannan, elder and younger, the Laird of Tulliallane, Johne Areskine of Balgownie and Sir Johne Preston of Walifieid; for the bounds betweene Dumfermelin and Falkland, the Erle of Rothes, the Lord Burlie, the Lairds of Balvaird, Pitfarran and Bandifurd and Mr Thomas Wardlaw; for the bounds betuix Falkland and Bruntillard the Lords Burlie and Wemes, the Lairds of Balvaird, Balmouto and Bafoure; lykeas missives wer directed to the persons particularlie abonewrittin for this purpose, bot they have beeue so carelesse and negligent herein as no kynde of diligence hes beene done be thame, at the least there is none of their diligence reported; so as this pece of service, quhilk his Majestie so earnestlie recommendit to his Counsell and quhilk imported so muche the honnour and credite of the countrie, is lyke to be frustrat and cassin louse, to his Majesties high offence without remeid be provydit: Thairfoir ordains letters to be direct charging the persons particularlie abonewrittin to convene and melt in maner following, viz.—these who ar appointed for the wyes betweene Bervik and Dunglas with the Laird of Blacader, and these who ar appointed for the wyes betweene Dunglas and Seatoun with the Lord Yester, and these who ar appointed for the wyes betweene Seatoun and Edinburgh with the Erle of Lothiane, and these that ar appointed for the wyes betweene Edinburgh and Linlithgow with the Erle of Linlithgow, and these that ar appointed for the wyes betweene Linlithgow and Stirline with the said Erle of Linlithgow, and these that ar appointed for the wyes betweene Stirline and Dumfermelin with the Erle of Mar or suche as he sall appoint, and these who ar appointed for the wyes betweene Dumfermelin and Falkland with the Erle of Rothes or suche as he sall appoint, and these that ar appointed for the wyes betweene Falkland and Bruntillard with the
Lord Burtie; and that they convene with thame the shireoff of the shire and convenuer of the justices of peace within the same and that they ryde the hie wayes through whiche his Majestis progress will ly and consider what parts thairof need ather to be enlarged or mended, and that they presere and publishe the order quhilk sall be found most meit and readie to repair all thir necessar defects upon the charges and travellis of the inhabitants within the saide bounds; and that they make report of thair proceedings heerin dewlie and formallie in writ to the Lords of Privie Counsell upon the 24 day of April instant under the pane of rebellion, etc., with certificatioun, etc."

"The Lords of Secret Counsell gives and grants full power, warrand and commissioun be thir presents to the Lords of the Committee appointed for giving directions anent his Majestis beerecomming to call before thame the transgressours of the proclamationouns made anent wyld fowle and to censoure and punishe thame accordinglie."

"The Lords of Secret Counsell gives and grante warrand to Johne, Lord Steuart of Traquair, Deputie Thessarur, to caus apprehend and committ to waerd within the tolbuith of Edinburgh suche persons as wer cited to this day for buying and selling of wyld fowle and compeird not."

"Thomas Wilkie, powwrieman, sworn, deponis upon his great oath that nather he, his wife, nor none at his directioun sold nor bought anie powtrie since a fourteeene dayes before the proclamationoun."

"Johne King, powwrieman, sworn upon his great oath, made the lyke depositeoun."

"Forsameekle as choise is made of James Hopper of Bourhouses to be his Majestis gentleman harbenger during his Majestis abode in this kingdome for designing, marking and taking of lудeings, houses and stables for his Majestis tryne and followers through all the parts of this kingdome where his Majestis progress will ly, quhairfoor necessar it is that he be acknowledged in all and everie thing concerning his charge and that no opposition be made unto him; for quhilk purpose ordains letters to be direct charging all his Majestis lieges and subjects whome these presence de or may concerne, to reverence, acknowledge and obey the said James Hoppar and his deputys and servants in all things belonging to his charge and office, and for this effect to make their houses and stables patent and opin to thame and to suffer thame to designe and marke the same to suche of his Majestis tryne as they sall appoint, and that they receave in thair houses the persons to be directed and allotted unto thame, and that they in no wayes presoome after the marking of thair houses and stables to receave anie others in thair houses and stables but suche as sall be allowed and allotted for thame. And if anie person or persons sall or darre presoome to oppose or gainstand the directions of his Majestis said harbenger in anie point concerning his charge, to
charge all magistrats to burgh and land, within whois bounds the disobedient persons dwellis, to apprehend their persons and committ thame to waerd till directiouns be givin for their forder punishment, as the saids magistrats will answer upon the dewtifull discharge of their offices."

Sederunt—Privy Seal; Mar; Wintoun; Linlithgow; Wigtoun; Edinburgh, 24th April, 1633. Lauderdale; Bishop of Ros; Areskine; Melvill; Secretary. Sir James Baillie.

"The Lords of Secret Counsell, according to aue warrand and directioun in writt signed be the Kings Majestie, and this day presented to thame, gives and grants full power and commission to Sir Johne Hepburn, knight, or to anie other whom he shall appoint, to levey and take up in this kingdome ane regiment of twelffe hundreth men out of all suche persons within the said kingdome as he shall find willing to goe with him, and to transporte thame to the kingdome of France for the service of his Majestis darrest brother, the Frenche king, and to be ane standing regiment there; with power to him for this effect to nominat and appoint captans and all others officers and members of the said regiment of twelffe hundreth men, and to caus towcke drummes, display cullours and to doe and performe all and everie other thing quhilk toward the leveying and transporting of the said regiment is necessar; he always giving suche satisfactioun to everie ane of the said regiment as shall be agreed upon betuix him and thame conforme to the custome in the like caises: Firme and stable haldeing and for to hald all and quhatsomever things saill be lawfullie done heerin: Charging heirby all magistrats to burgh and land and others his Majestis subjects to acknowledge the said Sir Johne Hepburne in this charge and trust committed unto him and to forder him in everie thing tending to the leveying and transporting of the said regiment of twelffe hundreth men. And if anie persoun or persons quhatsomever saill inroll themselvses and take his pay and there- after saill abandon their charge and steale away, that than and in that caise the saids magistrats to burgh and land doe justice to the said Sir Johne, his captans, officers and commanders, aganis thir fugitive and runne away soldioure conforme to the lawes of this kingdome, as they will answer upon the dewtie of their offices. Followes his Majestis misweise for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weibelovit cousine and counsellor, right trustie and weibelovit cousines and counsellers, and trustie and weibelovit counsellers, we greit yow weill. Whereas we wer formerlie pleased to give order that no levey of men whatsoever for anie forranne part sould be made within that

1 In 1633 there had been a rapprochement between Charles and Richelieu, who had adopted the policy of supporting the German Protestants against the Emperor in the Thirty Years' War.
our kingdome unless a speciall directioun wer givin frome us of new for that purpose, we will yow still to continew the same course. But considering that the standing regiment demanded by Sir John Hepburne, knight, for the service of our brother, the Frenche king, is of another nature, the intertainement whairof being to be continued may serve to good use for sindrie of the subjects of that our kingdome, in regard of this and other causes knowne unto us, our pleasure is that yow grant unto the said Sir John Hepburne, or to anie other whom he sall appoint, ane commissioun with ane sufficient warrand to levey and transport twelffe hundreth men for the purpose abonesaid of all suche persons within that our kingdome of Scotland as he sall find willing to goe with him thither, granting him libertie to toweke drummes for that purpose, with als large priviledges as anie general, colonell or commander hath had heeretofore in the lyke kynde, he alwayes giving suche satisfactioun to everie ane of the said number as sall be agreed upon betuix him and thame according to the custome in the like caisses; for doing whairof these presents sall be unto yow a sufficient warrand. Frome our Court at Whitehall, the 28 of Marche, 1633."

"Forsamekle as by divers Acts of Parliament made by our suerone lord his royall progenitours of good memorie it is cleerlie provided, statute and ordaind that the charges and expenses of the commissiouners to be directed from the small barons and freholders of the several shiredomes of this kingdome to Parliament sall be defrayed and payed be the saids small barons and freholders, as in the saids acts at length is conteanit; and whereas the unwillingness of manie of the small barons throughout the several shiredomes of this kingdome to contribute to this so necessar ane earand, importing the saids small barons so neerelie in honnour and credite, hes beene ane great lett and hinder to these who wer nominat commissiouners to accept and attend that charge, whereupon hes followed the hinder and disappointing of his Majesteis service, wherein oftymes the saids small barons pretendit excuses that there was no cleere soume sett downe for the charges and expenses of the saids commissiouners, and that theirfoir they know not how to contribute in suche ane earand, for removing of the quhilk pretendit doubt and to take away all excuses that the saids small barons and freholders may pretend in this caise heerafter, the saids lords hes for this present yeere modified to everie commissiouner who sall be directed from the small barons and freholders of eache shiredome of this kingdome to this approacheing parliament allanerie the soume of 300 merks, whilk will make for eache shiredome where there is twa commissiouners 600 merkes. And by and attour this soume, quhilk is onelie destinat and appointed for the ordinar charges and expenses of the saids commissiouners, it is lykeways ordained be the saids Lords that each commissiouner for everie shiredome sall have ane footmantell of velvet pasmented as accords, whilk will make two foot mantells for eache shiredome, and that thir
footemantells sall be the proper footemantells of the shirefdome, and that at everie head court after Michaelmes thir footemantellis sall be delveryed by these who wer commissioners the yeere preceeding to these who sall be nominat to be commissioners for the succeeding yeares, and that the expences of thir footemantellis sall be lykewayes payed be the saids small barons and freeholders. And for this effect the saids Lords ordains letters to be direct charging the haill shrierefs within this kingdome to conveene the small barons and freeholders of the same with all convenient diligent, and at thair meetings to propone and shaw unto thame this present act and ordinance, and accordinglie to deale and travell with thame to sett down a competent price for twa velvet footemantellis for everie sherifdome and to joyne the said price of the footemantellis to the allowance and modification of 300 merkes modified and sett down be the saids Lords for the charges of each commissioner and to make an proportionall distribution of the said haill soume both for footemantells and charges of the commissioners amonge the pund lands of everie shirefdome, appointing suche a soume to be payed out of the pund lands as will correspond and answer to the soumes particularlie abonewrittin, and to charge the small barons and freeholders within everie shirefdome to conveene and meet with the saids shierefs at the dayes and places of meeting to be appointed be thame and there to concurre and joyne with thame in setting down the prices of the footemantells and in distributing of the saids prices with the others charges foresaid of the commissioners amonge the pund lands perteaneing to the said small barons and freeholders, to the intent that letters may be direct for payment of this important and necessar contribution out of the lands and rents perteaneing to the saids small barons and freeholders; and that the saids shierefs report thair diligence heerin to the saids Lords betux and the 15 day of May nixt to the intent the saids Lords may thereafter take suche course and order for payment of the said contribution by letters of horning and otherwayes as they sall think meetit."

"Forsameekle as the forestalling and regraitng of mercats is a cryme most hurtfull and pernicious in a commoun weale and tending to the fostering and interteaneing of dearth and contempt of all good order and government, and hes thairfor beene verie straitlie prohibite be diverse Acts of Parliament made be his Majesteis predecessours of famous memorie, in the qubilks acts it is speciallie found and declared that whoever buyes or causes buye anie merchandice, victuall or other goods whatsoever comming be land or water to anie faire or mercat to burgh or land to be sauld frome anie part within or without this kingdome, or who makes anie contract or promise theraeant before the goods be brought to the faire or mercat place to be sauld, or who sall make anie motioun be word, writ or message for raising of the prices or dearer selling of anie of the saids goods, or who sall disswade or move anie persouns comming to faires or mercats to bring thair commoditeis thereto,
sall be repute, haldin, esteemed and judged as forestallers, and who ever gette in thair possessioun in anie faire or mercat anie kynde of viver be quhilk sall be brought to be sauld and sellis the same over againe in anie faire or mercat haldin in the same place or in anie other fare or mercat within foure myles thairof sall be repute and haldin regraters, as in the saids acts conteaining divers others clauses for restreaining this pernicious and wicked abuse of regrating at lenth is conteinit. And whereas the bypass oversight and impunitie givin to persons formerlie offending in this kynde hes givin boldnesse and encouragement to numbers of base and unworthy people still to continew in that unlawfull and wicked trade, especiallie within the burgh of Edinburgh, Leith, the Cannogait, West Port, Potterrav, Pleasance and others parts about the burgh of Edinburgh, where diverse base fellowes, powtrie men and others attends and awaite upon the he streits leading to the said burgh and there rancontroverting with the persons bringing in wylde foule, powtrie and others commoditeis and vivers to the mercat of Edinburgh they there buy the same at small and unworthy prices, brings the same quyetlie to the burgh of Edinburgh and suburbs thairof and keeps the same in thair houses and sellers, brings out the same in small parts and portiouns to the mercat and pretending a skarsetie quhair they have abundance and sufficiencie in thair sellers and houses they hight and raise the prices at thair unruleie appetites, shamefullie and mischantlie abusing his Majesteis good subjects, and fosters and interteanes both a skarsetie and dearth of these kynde of commoditeis; and if some course and order be not tane with thame for restraining of thir pernicious and mischant abuse foresaid, speciallie at this tyme of his Majesteis comming to this kingdome, thir wicked and mischant fellowes will abuse the countrie and foster and interteane ane artificiall dearth and skarsetie of thir commoditeis and vivers, to the discredite of the natioun and hurt of the subjects. Thairfoir orduines letters to be direct charging officers of armes to pas to the mercat croos of the burgh of Edinburgh and all others places neidfull, and there be opin proclamatioun to mak new intimacion of the Acts of Parliament formerlie made aganis forestallers and regraters, and accordingly lie that yow command, charge and inhibite all and sindrie his Majesteis lieges of what condition so ever they be that nane of thame presoom nor take upon hand anie longer to use this pernicious and wicked trade of regraiting and forrestalling, and that they buy no kynde of wilde foule nor tane foules nor no other kynde of vivers comming to the burgh of Edinburgh or to anie other burrow towns or commoun mercats within this kingdome till the same be brought be the countrie people to the mercat place and there sauld be thame in parcellis to his Majesteis subjects: Commanding heirby the provest and bailleis of Edinburgh, Leith, Cannogait, West Port, Potterrav, and of all others burrowes and towns within this kingdome, who ar constitute his Majesteis justices and commissioners for
execution of the saids Acts of Parliament, that they and everie one of thame within thair several bounds, offices and jurisdictionouns have ane special care to see the saids Acts of Parliament preceislie kepeed within thair bounds and this pernicious and wicked trade of forestalling exactlie tryed and punished, conforme to the saids acts, as the saids provests and bailleis will answer to the saids Lords of Privie Counsell upon the dewartfull discharge of their offices and at thair highest charge and perrell.

"Forsameekle as the Lords of Secreit Counsell ar informed that hes bigged stables upon the walls and gardens of his Majestie's palace of Falkland quhairby they have farre impeded and hindered the passage to his Majestie said palace and hes so obscured the sight to the entrie and port of his Majestie palace as is most disgrace-ful to the same; and whereas it is ane great and intolerable presume that anie persoun durst have presoomed to have bigged anie kynde of houses upon the wallics of his Majesties gardens and orchards without ane lawfull warrant and right established in thair persons, thairfoir the Lords of Secreit Counsell ordaine letters to be direct charging the saids persoues to comppear personallie before the saids Lords upon the fyftene day of May nextoome bringand and produceand with thame the rights, titles and securiteis, if anie they have, toward the bigging of the saids stables, to be seen and considerit be the saids Lords and to heare and see suche order tane thereanent as the saids stables may be demolishand, cassoun down and tane away, or ells show a reasonable caus why the same scould not be done, and that they compeer personallie to the effect fore-said under the pane of rebellioun, etc., with certificationoun, etc."

"Forsameekle as altho the mater of his Majestis carriage be one of the moste important peeces of service that will occure in his Majestis whole progresse throughout this kengdome and must be perffytte be the inhabitants of the particular parishes within the shirefdomes through quhilkis his Majestis progresse will ly, and that for this effect the shireff of Hadintoun and the conveenner of the justices of peace within the same wer earnestlie writtin unto be the Lords of Privie Counsell to have resolved upon some solide and settled course, with the concurrence of the justices of peace, barons and gentlemen of the shirefdom, for lifting of his Majestis carriage at Dunglas and carying of the same to Seaoun, as wes done when his Majestis darrest father of blessed memorie came to this kengdome, the saids Lords ar informed that the said shireff and conveenner of the justices of peace hes varie farre slighted and neglected the directionouns sent unto thame concerning this mater and hes done little or no diligence at all therein, so as by appearance the service of the carriage for that shirefdom of Hadintoun, quhilk will be the second service that will occure in his Majestis progresse heir, is lyke to be frustrat and disappointit, to the great discrede and shame of the countrie and to the reproach of the gentlemen and others
of the shirefdom, who wer thought to be inferior to no others of his Majestis subjects in all points of submissive dewartie and obedience to his Majestie, without remeild be provydit: Thairfoir the Lords of Secret Counsell ordains letters to be direct charging the shirreff of Hadintoun and his deputis and the conveener of the justices of peace within the same to conveene the remanent justices of peace and the barons, gentlemen and freeholders within the said shirefdom at the burgh of Hadintoun upon the day of , and at thair meeting that they resolve and conclude upon some solide and sure course for the lifting of his Majestis carrage at Dunglas and bringing of the same therefra to Seatoun, and for that effect that after notice takin and constables elected that they appoint and prescryve what number of hors provided for carrage everie parish within the said shirefdom will furnishe, and that they make and set doun ane perfyte note thereupon in writ and delyver the same to the maister of his Majestis carrage, and that the number of hors for everie parish extend to the double of that number qubilk was furnished in 1617 yeere of God, quhairof they sall receave note under the hand of the Clerk of the Counsell: And siclyke to command and charge the barons, gentlemen and fewers in the severall parishes of the said shirefdom be opin proclamationoun at the mercat croce of Hadintoun to conveene with the said shirreff and conveener of the justices of peace the day and place foressaid and to concurre and joyne with thame in all and everie thing tending to the furtherance and advancement of his Majestis service in the carrage, under the pane of rebellion, etc., with certification, etc.; and forder under the pane to be callit and conveenmed before his Majestis Counsell and exemplarlie punished as slighters and contemners of his Majestis service with all rigour and extremitie to the terour of others to committ the like."

"Forsameekkle as the Shirreff of Bervick, according to ane warrand and directioun sent unto him be the Lords of his Majestis Privie Counsell, hes tane particular notice of the number of hors for carrage and of thair furniture that everie parish within the said shirefdom may convenientlie furnishe for lifting and carrying of his Majestis carrage fra Bervick to Dunglas and hes made and presented to the saids Lords ane roll of the saids parishes conteaining the number of hors designed to everie parish with the names of the persons that ar appointed to be constables in the parish and to have the charge to caus the hors of the parish be in readines for lifting of his Majestis carrage at the tymes and places to be appointed, that is to say—for the parish of Lennell, where John Thomesone and Harie Mader ar nominat to be constables, fyve score sax hors; for the parish of Eckles, where John Home in Lietouny, Peter Cranstoun in Tofts, and Robert Corser in Hassintoun ar nominat constables, sevin score foure hors; for the parish of Ladykirk, where George Parke in Harden and Raufe Trotter in Ladykirk ar nominat constables, threttie hors; lykeas Sir George Ramsay of Wyliecleuche undertooke for
thir three parishes abone writtin to caus the number of horses abone
specifieft be in readines at the tymes and places to be appointed; for the
parish of Fogo, where Robert Trotter in Fogo and Johne Trotter in Calf-
ward ar nominat constables, fourtie aucht hors and foure cairts; for the
parish of Home, where Nicoll Bruntsefeld in Home and Adame Trotter
there ar nominat constables, twente foure hors; lykes Cocks-
burne of Ryza undertooke for thir twa parishes to have the number of
hors abone writtin in readines at the tymes and places to be appointed;
for the parishes of Gordon and Bassindene, where George Broun in Bow
and William Ellen in Bassindene ar nominat constables, three score sax
hors; lykes Alexander Cranstoun of Mostoun and of Wed-
derlie undertooke to have the number of hors givin up in thir twa
parishes in readines at the tymes and places to be appointed; for the
parish of Erstoun, where George Pringle is nominat constable and who
also undertakes to have the number of horses allotted to that parish in
readines, fiftie hors; for the parish of Ligertwood, where Richard Fraser
in Ligertwood is nominat constable, twente sax hors; lykes
Cranstoun of Corsebie undertooke to have the number of hors given up
in this parish in readines at the tymes and places to be appointed; for
the parishes of Coldingham and Eymouth, where Johne Richartsone,
mesenger, and Johne Rentoun in Eist Restoun ar constables, sevin score
foure hors and 20 cairts; lykes the Laird of Rentoun undertooke to
have the number of hors and cairts allotted for this parish in readines at
the tymes and places to be appointed; for the parish of Aittoun, where
James Wight in Aittoun and Johne Haistie in Qubitrig ar constables,
48 hors and 16 cairts; lykes Alexander Home undertooke to have the
hors and cairts givin up in this parish in readines at the tymes and places
to be appointed; for the parishes of Lamertoun and Mordingtoun,
where Alexander Torres and William Mealane in Lamertoun ar nominat
constables, 20 hors and 4 cairts; lykes Johne Rentoun undertooke to
have the hors and cairts givin up in this parish in readines at the tymes
and places to be appointed; for the parish of Chirnsiide, where George
Broun in Chirnsiide and David Cowane in Edingtoun ar nominat con-
stable, 66 hors and ten cairts; lykes of Edingtoun under-
tooke to have the hors and cairts givin up in this parish in readines at
the tym and places to be appointed; for the parish of Foulden 24 hors
and 6 cairts; lykes Johne Wilkie in undertooke to have the hors
and cairts givin up in readines at the tymes and places to be appointed;
for the parish of Edrem, quhair James Lamb in Lambismynle and
Robert Jaffrey in Blacader ar nominat constables, foure score aucht hors
and ellevin cairts, lykes the Laird of Blacader undertooke to have the
hors and cairts givin up in this parish in readines at the tym and
places to be appointed; for the parish of Huttoun, where James Aitkine
in Fisheweik and Johne Hoggert in Paxtoun ar nominat constables, 46
hors and 3 cairts, and the Laird of Blacader undertooke to have the hors
and cairts givin up in this parish in readines at the tymes and places to Acts, June be appointed; for the parish of Swintoun, where David Cas and David 1632-June 1634. Robertsone in Swintoun ar nominat, 44 hors and 7 cairts; and for the parish of Hiltoun, where Henrie Strang is nominat constable, 12 hors and ane cairt; lykees the Laird of Swintoun undertooke to have the hors and cairts givin up in thir twa parishes in readines at the tymes and places to be appointed; for the parish of Greinlaw, where James Ridpeth in Greinlaw and Alexander Trotter in Howlaires ar nominat constables, 50 hors; lykees of Rowingstoun undertooke to have the hors and cairts givin up for this parish in readines at the tymes and places to Fol. 210, b. be appointed; for the parish of Polwart, where Androw Swanstoun is nominat constable; 16 hors and twa cairts; lykees George Home undertooke to have the hors givin up for this parish in readines at the tymes and places to be appointed; for the parish of Colbrandspeth and Ald-cambes, where James Tait in Colbrandspeth and Johne Robertsone in Aldcambes ar nominat constables, 52 hors and 6 cairts, whairof 42 hors for Colbrandspeth and 12 hors and twa cairts for Aldcambes; lykees Mr James Nicolsoun of Colbrandspeth undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Butterdane, where Alexander Broun is nominat constable, 8 hors and one cairt; lykees Cockeburne of Butterdane undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Langtoun, where John Fortoun in Stobawod and William Hunter in Langtoun ar constables, 40 hors and 6 cairts; lykees the Laird of Langtoun undertooke to have the hors and cairts givin up in this parish in readines at the tymes and places to be appointed; for the parish of Longformachus, where Johne Andersone is nominat constable, sax hors and one cairt, and for the parish of Cranscharkes and Reburn, where Robert Swintoun and Williamie Robertsone in Bowingtree ar nominat constables, 8 hors and twa cairts; lykees the Laird of Langtoun undertooke to have the hors and cairts givin up in thir twa parishes in readines [at] the tymes and places to be appointed; for the parish of Dunce, where Thomas Balfoure in Dunce and Cuthbert Younger there ar constables, 80 hors and ten cairts; for the parish of St Bothans, where James Suddees is nominat constable, 8 hors; for the parish of Ellem, where Androw Fortoun in Dyishauche is nominat constable, 20 hors; lykees the Laird of Wedderburne undertooke to have the hors and cairts givin up for thir three parishes at the tymes and places to be appointed; for the parish of Quhitsome, where James Innerweik and Johne Jaffrey in Quhitsome ar nominat constables, 38 hors and 4 cairts; for the parish of Simpreen, where George Broun is nominat constable, ellevin hors and one cairt; lykees the Laird of West Nisbit undertooke to have the hors and cairts givin up for thir twa parishes in readines at the tymes and places to be appointed; for the parishes of Bonkill and Prestoun,
where James Gray in Lintlawes and Patrik Scot in Prestoun ar nominat constables, 64 hors and sax cairts; lykeas the Laird of Cumledge undertooke to have the hors and cairts givin up for this parish in readines at the tymes and places to be appointed. Lykeas the baron[a] within the said shireford nominat and elected the persons underwrittin, they ar to say, Patrik Cockeburne of Chappelcleuche and Johne Smith to be generall constables for the haill shireford, to witt the said Patrik Cockeburne for the east end of the Merce be east Quhittitoure and the said Johne Smith for the west end of the Merce be west Quhittitoure. Lykeas alsa the shireff of Roxburgh according to the charge and direction givin to him hes tane the like notice of the number of hors for carriage quhilk everie parish in the east part of Tiviotdaill may furnishe that is to say, for the parish of Kelso, where Alexander Pringill is nominat constable, and for Maxwelheuche, where Andrew Parke is nominat constable, and for Broxfeild, where William Gray is nominat constable, 56 hors; and for the parish of Sproustoun, quhair James Parke is constable for the Earl of Roxburghs part, and quhair George Davidsoun called Burges is nominat constable for the Lord Craiston's part, and where Alexander Halden is nominat constable for Lempitlaw, and where Andrew Ker of Tochester is nominat constable for Halden, 40 hors among thame; lykeas Ker of Broomlands undertooke that the number of hors givin up for thir twa parishes sall be in readines at the tymes and places to be appointed; for the parish of Smallholm and for the Earl of Roxburghs part thairof, where Johne Wilsone is nominat constable, sevin hors; and for the Lord Craistoun and his vassalls part, where George Quhyete is nominat constable, ten hors; for Gallasheills part, where Johne Rutherford is nominat constable, sevin hors, inde 24 hors; for the parish of Ednem, quhair Johne Smith and William Brown ar constables, 25 hors; and for the parish of Stitchell, where Robert Donaldson is constable, 25 hors; and for the parish of M*Kairstoun, where James Fuird is constable, 20 hors, for the parish of Roxburgh, where Johne Blaikyie and James Lumsdells ar constables for the Earl of Roxburghs part, and where Johne Moffat is constable for Hietoun Finlay and Farnington, 25 hors; lykeas Andrew Ker of Massindew undertooke to have all thir hors givin up, as said is, in readines at the tyne and places to be appointed; for the parish of Eckfurde, where Johne Harlaw is appointed constable for the Ladie Bothuel her part, whilk is the fourt, ten hors; and for the Earl of Roxburgh his part of Caicentoun and Ceasfurde, where William Kae is constable, and quhair David Ormestoun is constable for Ormeestoun, 30 hors; and Rutherford, Mowmaynes and Mersingtouns lands ar joynned to make up thir 30 hors; inde out of Eckfurde 30 hors; lykeas the goodman of Roxburgh undertooke to make the hors givin up for this parish to be in readines at the tymes and places to be appointed, except for the Ladie Bothuelles part; for the parish of Crailing, where Adam Mader is constable, aucht hors; and
for Nisbit, where Johne Baxter is constable, aucht hors; inde 16 hors; lykeas Andrew Dowglas undertooke for the aucht hors out of Crailling and Thomas Ker of Anerome undertooke for the aucht hors out of Nisbit that they will be in readines at the tyme and place to be appointed: for the parishes of Yettam and Marbottill, quhair George Alexander is constable for Marbottill, and Androw, alias Dand Tait, is constable for Yettam, and Johne Burne is constable for the Erle of Roxburghs part, 24 hors; lykeas Ker of Lochtoure undertooke to have the hors givin up for Marbottill in readines, and the goodman of Roxburgh undertooke that the hors givin up for Yettam sall be in readines at the tymes and places to be appointed; for the parish of Lintoun, where Nicoll Young is constable for Lintons part and Walter Ker for the Erle of Lothians part and Androw Ker for Gradens part, 12 hors: Lykeas the said shireff nominat and appointed Johnh Rutherford, messinger, to be generall constable for East Tiviotaill, as in the acts made to this effect at lenth is conteunit. And whereas thir persons abonewrittin who ar givin up to furnishe the number of cairts respective abonespecifiant or bound in dweitt to have their hors, cairts and others instruments and necessaries for carrage in readines at Berwick upon the day of Junij nixtocomie ariile in the morning and thair to lift his Majesteis carrage and to carie the same thairfra to Dunglas or otherways as they sall be directed for that day be the maisters of his Majesteis carrage, nevertheless the Lords of Secret Counsell apprehends that some undewtifull persons will ly backes and shunne this service and nather bring nor send their hors to Berwick for that use, altho that nothing is to be craved of thame but for readie and thankefull payment, so as it is lyke enought that a part of his Majesteis carrage will ly behind, to the discudite and shame of the hoall natioun without remeid be provydit; thairfoir the saids Lords ordains letters to be direct charging the parochiners of the haill parishes particularlie abonewritten and constables appointed for eache parish, and the undertakers particularlie abonespecifiant that they and everie one of thame doe and performe that quhilk to thair charge and dewart in the service foresaid appertane, and for this effect that they direct and send and caus the number of hors abonespecifiant, appointed and allowed for everie parish weill furnished with all things necessarie for carrage, be at the toun of Berwick upon the said day of Junij nixtocomie before three of the clocke in the morning, and there to lift his Majesteis carrage and carie the same thairfra to Dunglas or otherways as they sall be directed be the maister of the carrage, upon his Majesteis charges and expenses, under the pane of sax pund for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majesteis carrage, as said is: And to command and charge the generall constables of the shire to poyn the readiest goods and gear of the persons disobeying for the said soume of sax pund for everie hors that sall be absent and sall not keepe the precise tyme and place of meeting.
at the sight and direction of the master of his Majestie's carriage, and
to make the said soume furthecommand to these whom the saids Lords
shall appoint in this earund: And siclyke to command and charge the
constables of eache parish to bring with thame and to delyer to the
masters of his Majestie's carriage ane list and roll of the number of
horses that sall come and attend the said service and a list and roll of
the horses that sall be absent, to the intent that the owners of the absent
horses may be punished for thair faiylie and disobediency by poynding
for the saids sax pundas, as said is; certifieing the saids constables who
sall not give up the said list and roll in maner foressed that they and
everie ane of thame sall incurrre the said pane of sax pundas for everie
absent hors, or not givin up be thame as absent, and sall be punished for
the same according.”

“Forsameekle as Alexander, Erle of Linlithgow; Sir George Forester
of Corstorphine, shiriff of Edinburgh; Sir Walter Dundas of that Ilke,
John Dundas of Newlistoun and Thomas Dalyell of Manerstoun, shiriff of
Linlithgow, being nominat and appointed be the Lords of Secret Counsell
to survey and ryde the bounds betwix Edinburgh and Linlithgow through
quhilkis his Majestie’s progresse will ly, and to tak notice and to informe
thamselfs what parts of the saied wayes needed to be enlarged and
repaired and made passable for horses and coaches and to subscryve and
sett down ane order quhilk they sould find most meit and readie to repare
all these necessar defects upon the charges and expences of the inhabit-
ants within the saids bounds, and to have reported thair proceedings
dewlie and formallie in writt to the saids Lords upon this present 24 day
of April instant, the saied commissioners for obedience of the charge and
direction in givin unto thame in this mater, having riddin the saids his
ways and remarked what needed to be enlarged or repaired therein they
have givin in thair report to the saids Lords for the shireidome of Lin-
lithgow as followes, to wit—They have found that at the marche betwix
Catelbeck and Carlowrie there is ane evill gait whilk must be helped be
calsey or ane bridge, and that the calsey beside Todshauche must be
lifted and layed of new, and that at the east end of Kirklistoun at the
foote of the east part the bounds to be calseyed throw the hailt town to
the foote of the west peth and to be aucht foote of breadth, and that the
peth be west Kirklistoun be dicht and made cleane, and that the holes be
filled and stones removed fra it; and that the way fra the east end of
George Grayes house to the west end of Nicoll Smiths hous be calseyed;
quhilk the said John Dundas of Newlistoun tooke in hand to doe; and
fra thyne furth that the wayes quhilkis comes fra the marche of Over
Newlistoun and the myne bridge betweene Dundas lands and New-
listouns lands be repaired and helped, and that the cotters bridge be
calseyed at the south end ten rude south ward alongs the burne side
and that the northside be calseyed twa rude; that the old calsey on
the south side of Wincheburgh and the south end thairof be repaired
and made new a rude or twa at ilke end longer nor it is; and that the
way throw Ald Cathiemure be calseyed sax rude; and the rest of the way to be dicht and clodded and stones tane out thairof; that the west end of the three myle hous be calseyed three rudea in leith betwenee the houses; that the way forenent Peter Drummonds hous be calseyed three or foure rudea; that the Pilgrims hill and that part thairof quhilks wes mended laitlie be helped of new agane and cassin fra the heid of the peth thairof to the Magdalene Burne. And whereas the hail wayes betuix Edinburgh and Linlithgow ar encroached upon and diminished the breadth thairof lesse nor the Act of Parliament, they ordained thame all to be enlarged agane and the hail wayes to be dicht and made cleane of all hills, braes and stones, as the report of the saids commissioners beiris. And forder they having considerat that there is now greater danger in the hie wayes nor wes in the tyme of our soverane lords umquhill darrest father of blessed memorie by decayed bridges and brokin calseyes quhilks ar necessar to be helped and bigged and new calseyes to be made whilk cannot be done but great charges and expenses; thairfor the saids commissioners thought meit and expedient that the same could be done be ane taxatioun to be imposed upon the hail lands whatsoever lying within the said shiredome of Linlithgow and hail bounds thairof, as the report of the saids commissioners shawin to the saids Lords beiris. Quhilk report being read, heard and considerit be the saids Lords and they allowing of the panes and travellis tane be the saids commissioners and of the course and order sett doun be thame for repairing of the saids hie wayes; and whereas yett they have not condescended particularlie what charges the perfyttig of thir workes will necessarlie require and how the saids charges sall be imposed upon the inhabitants of the shiredome, thairfor the saids Lords ordains the saids commissioners to conveene and meit of new within the burgh of Linlithgow upon the sevint day of May nixt, and there to resolve and conclude upon some certane soume for repairing of the saids hie wayes and helping and mending of the bridges within the said shiredome and how and be whome the said soume sall be payed; and to sett doun thair report in writ hereenan to the Lords of his Majesteis Privie Counsell betuix and the 15 day of May nixt to the intent the saids Lords may direct letters of horning for payment of the said soume in forme as effairs.

“The Lords of Secret Counsell finds it meit and expedient that the inhabitants within the lordship of Culros, the lands of Crombie, Sauline and Cults sall concurre and joyne in the lifting of his Majesteis carrage fra Stirline to Dumferrmelie; and that the parishes of Bothkenner, Fawkirk, Denny, Morvinside, Slamanna Mure, Airth, Donypace sall concurre and joyne in lifting of his Majesteis carrage fra Linlithgow to Stirline.”

“The Lords declares and ordains that the inhabitants of West Lothiane sall lift his Majesteis carrage at Halyrudhous and carie the same thairfra to Linlithgow.”
“The Lords for the better forderance and advancement of the service of the carriage ordains and commands the generall constables within everie shirefdomne to paynd for the soume of sax ponds for everie horse that shall be absent fra the service of the carriage and to make the same further command to these whom the saids Lords shall appoint to receave it.”

“Forsameekle as Williame, Erle of Lothiane, Williame, Lord Ramsay, Sir John Hamiltoun of Preston, David Crichtoun of Lugtoun and Mr James Raith of Edmistoun being nominat be the Lords of Secret Counsell commissioners for surveying and ryding the hie wyayes betuix Seattoun and Edinburgh and fra Seattoun to Dalkeith and frome that to Edinburgh, and to have considerit what parts of the saids hie wyayes needed to be enlarged or repaired and to have sett doun some solide and certane course how the saids wyayes and the necessar defects therein might be repaired and helped upon the charges and expenses of the inhabitants within the said shirefdomne, the saids commissioners hes accordingly ridden the saids hie wyayes and they have found the defects that is to be in the parts and places following, to witt—in the hie way at the backe of Prestoungrange, at Smetoun peth bewest Gilmerton in the south side of the damme on the north side thairof, at Libbertoun kirk, at the dammes of Libbertoun on both sides of the bridge, in the hie way leading fra Libertoun Whinnes to the calsey and that haill calsey leading to Edinburgh, and at that west part of the West Port of Edinburgh neere to the tolbuith thairof where there is ruinous houses and great heapes of stones; and that in the way betweene Seattoun and Edinburgh they have onelie found the defects to be at the backe of Prestoungrange and at Edgebucklinbrae, as in the report made be thame to the saids Lords at lenth is conteainit. Quherein as the saids commissioners hes done thair dewtie in that part of the service committed unto thame thuishinge the ryding of the saids wyayes, yitt they have failed in prescrivying and setting doun the course and order how and be whome the defects foresaid of the saids hie wyayes may be enlarged, repaired and mended, so as that pece of service, quhilk is verie important for the credite of the countrie, is lyke to be delayed and cassin louse without remeid be provydit. Thairfuir ordains letters to be direct to command and charge the commissioners abonewrittin in the mater foresaid to convene and meit of new upon the sevint day of May nixt and at thair meiting that they resolve, conclude, prescrive and sett doun some certane, solide and sure course how, be whome and upon whois charges the defects foresaid in the saids wyayes shall be enlarged, repaired and mended, and to report thair conclusions thereanent to the saids Lords betuix and Fryday the tent of May nixt under the pane of rebellioun, etc., with certificatoun, etc.”

“The Lords assignes to the shireff of Berwick Fryday come eight The highways of Berwick-dayes for meeting with the justices of peace for repairing the defects of shire. the hie wyayes, ordaining him to report his proceedings to the Counsell the first Counsell day of Junij.”
"The Lords assignes to the Shireff of Stirline and Johne Areskine of Balgonie for Clackmannanese the fyftene of May to report their diligence anent the hie wayes."

"Most sacred Soverane, A petitioun being exhibited this day at the Counsell table be George Suttie, Charles Hamiltoun, Johne Kniblo and Robert Glen, merchants burgesses of Edinburgh, for thame.selfes and in name of the remane owners of the ship callit "The George of the Quenisferrie," qhailor William Allane is maister, purporting that notwithstanding of the happe peace standing betweene your Majestie and the King of Spaine for the quyet of your Majestis good subjects and the fredome and increase of trade, yitt contrarie to the said peace and law of all natioons, the saids shippe and goods loadein therein being in Februarie last in her way to the staple port of Campheir in Zeland, wes within three lieges of the said stapple port persewed and boorded by ane freebooter of St. Sebastioun in Biskay, subject to the said King of Spaine, and the companie and equipage of the said shippe putt under boord as prisoners untill the said ship was caried twentie myles from the said stapple port, qhailor the said freebooter tooke the halfe of the companie of the said ship and putt thame in a ship boat exposing thame thairby to the injurie of the sea and extreme hazard of their lyfes before they could come to the shooare and caried the maister of the said shippe and remane companie to the said toune and port of St. Sebastian where they wer all made close prisoners untill after strict examinationes the commoditie of ane English ship being found they wer violentlie thrust into the same to be shipped for Londoun, not being permitted to goe before anie judge to compleane of the wrongs or to supplicat for restituition or reparatioun. And thairfor the saids parteis greeved hes humbelie prayed us to represent the saids grievances unto your most sacred Majestie, and the said supplicatioun being read in Counsell and the equitie thairof dewlie considered and the example of suche wrongs being conceaved to be verie pernicious and hurtfull to the trade of your Majestis dominions and also dishonnorable to your Majestis governement (if the same could be passed over without punishment), thairfor we have thought it our dewteis to lett your Majestie understand of the saids wrongs and humbelie to beseke your Majestie to write your royall letters to his Majestis ambassadours in Spaine to lett his Majestie know that suche wrongs hes beene done by his Majestis subjects of St. Sebastians againis the commoun peace and agreemant made betweene your most sacred Majestie and him, and that restituition and reparatioun may be made to the parteis greeved, and suche exemplar punishment inflicted upon the offenders as all others by thair exemple may be terrified frome attempting the like heerafter under the sacred bond of peace, whereupon dependeth the lyfe and fortounes of most good subjects under the blessed protectioun and governement of all peacefull and happe princes. So hoping your Majestie will in your wounted prinkelie
1633. CHARLES I.

Sedumart—Privy Seal; Mar; Linlithgow; Wigtoun; Lauderdale; Edinburgh, 26th April, 1633. Subscribitor, Hadintoun, Mar, Wintoun, Linlithgow, Lauderdaleiill, Wigtoun, P. B. of Ros, Melvill, Areskine, Arch. Achesoun.

Bishop of Ros; Areskine; Melvill; Secretary; Sir James 1633.

Baillie.

"Forsameekle as it is understand to the Lords of Privy Counsell that there is a number of houses within the Cannogait conduced to sindrie noblemen or tane up be his Majesteis harbenger to the use of his Majesteis tryne and followers, and whereas thir noblemen looked to have had ane peaceable entrie to thair house to the intent they might have layd thair provision and furnishing tymousale within the same and otherwayes might have prepared the saids houses in suche forme as they might best have beene accommodat therein, yitt the possessours of the houses conduced and tane up in maner foresaid, refusis now to remove therefro, at the least they linger and delay the time of thair removall, so as the noblemen who has conduced thir houses and wer resolved to have keppe houses for intertweniaing of the nobilitie and others who ar to accompanie his Majestie thither, as lykewayes the strangers for whois use the saids houses wer tane up, ar lyke to be frustrat and disappointed of thair houses, to his Majestie high offence and discredite of the countrie, without remeid be provydit. Thairfor the Lords of Secret Counsell ordains letters to be direct charging officers of armes to pas to the mercat croce of the Cannogait and there be opin proclamation to make intimatioun and warning to all the inhabitants of the Cannogait whois houses ar conduced for noblemen or tane up for his Majestie tryne and followers, that they remove themselffes furth thairof and leave the same void and red to the saids noblemen and others foresaids betuix and the fyftene day of May nixtocomme, certeining thame that sall failyie and doe in the contrair, the said fyftene day of May being bypast, that letters of homing sall be direct aganis thame charging thame simpliciter to the effect foresaid."

Sedumart—Chancellor; Treasurer; Privy Seal; Mar; Areskine; Holyrood House, 1st May 1633.

Tracquair; Sir James Baillie.

"Forsameekle as the Kings Majestie, having beene formerlie pleased upon good considerationis knowne to his Majestie to grant his licence to Sir Alexander Leslie, knight, generall colonell of the furrane forces of the Empeour of Russia, for leyving and transporting a regiment of men out of his Majestie dominions for the said Empeour his service, but Warrant to Captain Sir

Alexander Leslie to raise a company of 200 men for service under the Empeour of Russia.
understanding that there laikes ane companie for compleiting of the same whiche his Majestie willeth to be leveyed and transported frome this kingdome by Captaine James Forbes for the said use, thairfor the Lords of Secret Counsell, according to ane warrand and direction in writt, signed be the Kings Majestie and this day presentit unto thame, gives and grants full power and commissioun to the said Captane James Forbes to levey and take up ane companie of twa hundreth men according to his commissioun out of all suche persones within this kingdome of Scotland as he sall find willing to goe with him, and to transport thame toward the service of the said Emperour of Russia for compleiting of the regiment foresaid of the said Sir Alexander Leslie, colonell generall, as said is; with power to him for this effect to nominat and appoint officers and commanders over the said twa hundreth men, and to caus towcke drummes and display cullours, and to doe and performe all and everie thing quhilk towards the leveying and transporting of the said number of men sall be found necessar, he alwaies giving suche satisfactioun to everie one of the said number as sall be agreed upon betuix him and thame according to the custome in the like caises: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin: Charging heirby all magistrats to burgh and land and others his Majesties subjects to acknowledge the said Captane James Forbes in this charge and trust committed unto him and to forder him in everie thing tending to the leveying and transporting of the said companie of men. And if anie persoun or persons quhatsomever sall inroll thamecelfes and take his pay and thereafter sall abandoun thair charge and steale away, that than and in that caise the saids magistrats to burgh and land doe justice to the said Captane James Forbes, his officers and commanders, aganis thir fugitive and runne away souldiours, conforme to the lawes of this kingdome, as they will anser upon the dewtie of thair offices. Followes his Majestie missive for warrand of the act abone-writtin:—CHARLES R. Right trustie and right weibelovit cousin and counsellor, right trustie and right weibelovit cousins and counsellors right trustie counsellors and trustie and weibelovit counsellors, we greit yow well. Having beene formerlie pleased for good considerations knowne unto us to grant our licence to Sir Alexander Leslie, knight, generall colonell of the forrane forces of the Emperour of Russia, for leveying and transporting a regiment of men out of our dominions for the said Emperour his service, but understanding that there laikes one companie for compleiting the same, whiche we will to be leveyed and transported frome that our kingdome by Captane James Forbes for the said use, our pleasure is that yow grant unto the said Captane James a commissioun with a sufficient warrand to levey and transport two hundreth men, according to his commissioun for the purpose abonesaid, of all suche persons within our said kingdome of Scotland as he sall find willing to goe with him thither, granting him libertie to towcke drummes
for that effect with als large priviledges as anie hes had heeretofore in
the lyke kynde, he alwayes giving suche satisfactioun to everie one of
the said nomber as sall be agreed upon betuix him and thame according
to the custome in the like caiuse; for doing whairof these presents sall
be unto yow sufficient warrand. From our Court at Whitehall, the 28
of Marche, 1633."

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

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

"Forsamekle as the Kings Majestie hes appointed his soverane and
high court of Parliament of this kingdome to be haldin at the burgh of
Edinburgh and to begin, God willing, upon the 18 day of Junij nixo-
cone with continuation of dayes, wherein his Majestie will be most
willing to give all his subjects contentment, ather by generall lawes or
particular acts authorized by his royall consent, whilks being rypelie
advised sall be found expedient to be past; but whereas experience in
bypast parlaiaments is yitt recent how that diverse persons, partlie be
ignorance and partlie be fraude, ar accustomed presooming upon the
short sitting of the parliament to give in manie bills or articles con-
taining maters prejudicidal ather to his Majestie crowne or to his
subjects quhilkis the shortnesse of tyme or multitude of bussines per-
mitteth not to be so narrowlie examined as need wer; thairfoir his
Majestie, following the order and rule prescryved be the act of Parlia-
ment, ordains that all suche persons as intends to give in anie articles or
petitions to this approacheing Parliament sall delvery and give in the
same to the Clerk of his Majesties Registers betuix and the first day of
Junij nixocone, to be presented be him to suche of the Estaites and
Counsell as sall be appointed to heare thame, to the intent that things
reasonable and necessarie may be formallie made and presented in a
booke to the lords of the articles in the Parliament tyme, and all impert-
tinent, frivolous and improper maters rejected, and that no article or
supplicationous wanting a speciall tytle unsubscryved be the presenter
sall be read or answered in Parliament except suche as sall be past and
givin in be his Majestie himselfe under his hand and sall be thought good
be his Majestie for the commoun weale of the kingdome; and ordains
letters to be direct to make publication heirof be opin proclamatioun at
the mercaet croye of Edinburgh and others places neidfull whairthrow
nane pretend ignorance of the same. Followes his Majestis missive for warrand of the act abonewritten:—Charles R. Right truistie and right wellbelovit cousine and counsellor, right truistie and wellbelovit cousines and counsellors, and right truistie and wellbelovit counsellors, we greit yow weil. Whereas we understand that it hes beeene the accustomed forme that all petitionis to be presented in Parliament wer delyvered to the Clerk of Register for the tyme twentie dayes before the holding thairof and that proclamations wer accordinglie made to that effect, we being willing to continue anie suche receaved and approved custome have heirby thought fitt to require yow to caus the like proclamations be made in dew tyme before the ensewing parliament whereby our good subjects may take notice of what is fitt to be done in the like caises. We bid yow heartilie farewell. Frome our court at Whitehall, the 23 of Aprile, 1633."

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

"Forsamekle as the shireff of Edinburgh, according to ane warrand and directioun sent unto him be the Lords of Privie Counsell, hes tane particular notice of the number of hors for carrage and their furniture that everie parish within the said shirefdome may convenientlie furnishe for lifting and caryng of his Majesteis carrage fra Seatoun to Dalkeith and fra Dalkeith to Edinburgh and fra Edinburgh to Linlithgow, and hes made and presented ane roll of the saids paraisses conteining the number of hors designed to everie parish with the names of the persons that ar appointed to be constables in the parish and to have the charge to caus the hors of the parish be in readines for lifting his Majesteis carrage at the tymes and places to be appointed; that is to say, the town and incorporaition of Mussilburgh threttie carts with three hors in ilke cart, and threttie hors with crellis and hochemis; the rest of the parish of Inneresk threttie carts, three hors in ilke cart, with other threttie hors with crellis and hochams, and William Tod in Fishearrow, constable for the town and burgh, and Patrik Cluny in Inneresk, constable for the rest of the parish; the town and parish of Dalkeith auchtene carts with cairt graith, and 72 horses for the saids carts and crellis and hochams, and Johne Stevinsoun and James Hog in Dalkeith, constables; the town and parish of Newbottill, 9 carts 3 hors in ilke cart, with other 30 hors with crellis and hochams, and Androw Davidsoun at Newmylnes, constable; the parish of S Cuthberts 18 hors with cart graith, whairof ten frome the baronie of Brouchtoun, sax of Innerleith and twa of Ravilston, with sevinscore horses, for serving the carts, whairof nyne hors with crellis and hochams for the Deane, the rest also for crellis and hochams, and Johne
Oliphant in Brouchtoun and Johne Aldinstoun in North Leith, constables for the baronie of Brouchtoun, Johne Wod in Dalry and Johne Stewart in Dalry mylnes, constables for the baronie of Innerleith, Orchardfield, and Ravilston, William Archibald in Deane, constable for that baronie, and Johne Neilsone in Smiddiegreen, constable for the baronie of Braid and remanent of the south side of St Cuthbert's parish, comprehending Braid, Merchinstoun, St Geilligrange, Craighous, Wrightshouses, lands of Borrowmuirs stentit to threttie horses of these horses appointed to be furnished be the parish of St Cuthbert; the parish of Libbertoun, 3 carts with 48 horses, a part for the carts and rest with creiulis and hochams, and Mr Hew Douglas in Nidrie and David Duffie in Gilmermertoun, constables; the baronie and parish of Kirknewtoun 30 hors with creiulis and hochams, and Johne Andersone, smith in Kirknewtoun, constable; the parish of Currie threttie sax hors with creiulis and hochams, Johne Cuninghame, elder, in Byrna, and William Bishop in Langhirdmistoun, constables; the parish of Lessuad, comprehending the parish of Lessuad, the parish of Pentland, Glencorse, St Katharins and baronie of Melville unite to Lessuad, 70 horses with creiulis and hochams, Johne Dobie in Rosline, Charles Hynd in Lonheid, and Henrie Meane, constables; the parishes of Carintoun and Cokpen 30 hors with creiulis and hochams, Johne Cuninghame in Carintoun and Johne Pentland there, constables; the parish of Hales 18 hors with creiulis and hochams, and Johne Borthuick, constable there; the parish of Borthuick 30 hors with creiulis and hochams, James Wilsoun in Halkertoun, James Ker in Cassiltoun, and Johne Paterson in Borthuick mylne, constables; the parish of Crichtoun 30 hors with creiulis and hochams, Michael Dewar in Crichtoun, constable; the parish of Heriot 18 hors with creiulis and hochams, and James Pringle at Heriot mylne, constable; the parish of Stow 30 hors with creiulis and hochams, and William Sandelands there, constable; the parish of Cranstown, with that part of Soutray in this shiref dome, twelffe carts, and 48 horses for the saids carts and the rest by and attour the service of the caitrs for creiulis and hochams, and Samuel Thomesoun, constable there; the parish of Cramound fiftie hors with creiulis and hochams, and Alexander Howesone in Over Cramound and Thomas Cleghorne in Piltoun, constables; the parish of Temple and Morphet 30 hors with creiulis and hochams, Robert Baxter and Robert Knox, constables there; the parish of Ratho 30 hors with creiulis and hochams, James Mure in Dalmahoy and David Wilsoun younger in Bonytoun, constables; the parish of Calder and Caldercleir 75 hors with creiulis and hochams, Johne Johnestoun in Calder and Johne Smith in Achenownehill, constables; the parish of Corstorphine and Gogar 36 hors with creiulis and hochams, whairof sax for Gogar and 30 for Corstorphine, Florence Gairner, constable for Corstorphine and Florence Listoun for Gogar; the parish of Pennyeuik, with the annexes thairof, twelffe horses for creiulis and hochams, and Johne Simsone there, con-
stable; the baronie of Restalrig and possessors of the lands of that baronie 30 hors with creillis and hochams, Johne Young at the Aaybeylon and Johne Ros in Restalrig, constables; the parish of Duddingston foure carts and 18 hors for serving in the carts and the rest of the hors with creillis and hochams; the parish of Natoun sax carts, with three hors in ilke cart, and 6 hors forder with creillis and hochams, John Carthra in Edmonstoun and Nicoll Stevinsoun in Natoun, constables; the baronie of Ingleston, Halbarns, Halyards, and Briggs, a part of the parish of Kirkliston, lying on the east side of Almound, within this shirefdom of Edinburgh, sextene horses with creillis and hochams, Alexander John- stoun in , constable there. And the hail justices of peace, barons and freholders of the said shirefdom elected, nominat and appointed James Hamilton and Alexander to be grand and generall constables for raising and charging the hail constables of the parish for provyding the saide horses and carts and others foresaids in dew tyme, who accepted upon thame the said office; as in the act made to this effect at lenth is contenait. And whereas thir persouns abone- writtin who ar givin up to furnishe the number of cairts respective abonespecfet ar bound in dewtie to have thair hors and carts and others instruments and necessars for carrage in readines at Seatoun upon the day of Junij nixt, arie in the morning, and at Dalkeith upon the day of the same moneth thereafter, and at Edinburgh upon the first day of Julij nixt, and there to lift his Majesteis carrage and carie the same fra Seatoun to Dalkeith and fra Dalkeith to Edinburgh and fra Edinburgh to Linlithgow or otherwayes, as they sall be directed for these dayes be the maister of the carrage, nevertheless the Lords of Secret Counsell apprehends that some undewitfull persons will ly backe and shunne this service and nather bring nor send thair hors to the places respective foresaids for that use, altho that nothing is to be craved of thame bot for readie and thankefull payment, so as it is lyke eneugh that a part of his Majesteis carrage sall ly behind to the discreide and shame of the hail natiou without remeid be provydit; thairfor the saids Lords ordains letters to be direct charging the parochiners of the hail parishes abonewrittin and constables appointed for each parish that they and every ane of thame doe and performe that quhilk to thair charge and dewteis in the said service apperteanes, and for this effect that they direct and send and caus the number of horses abonespecfet, appointed and allowed for everie parish weill furnishe with all things necessar for carrage be at Seatoun upon the fourtene day of Junij nixt, and at Dalkeith upon the fyftene day of the same moneth, and at Edin- burgh upon the first day of July nixt, before three of the clocke in the morning, and there to lift his Majesteis carrage and carie the same therefra to Dalkeith, Edinburgh and Linlithgow respective or otherwayes, as they sall be directed be the maister of the carrage, upon his Majesteis charges and expences, under the pane of sax pundis for everie hors that sall
be absent and shall not come in due and lawful time to lift his Majesty's carriage, as said is; and to command and charge the general constables of the shire to poynd the readiest goods and gear of the persons disobeying for the said summe of sax punds for everie horse that shall be absent and shall not keep the precise time and place of meeting at the sight and discretion of the master of his Majesty's carriage, and to make the said summe furthermand to these whome the saids Lords shall appoint in this carand; and siclyke to command and charge the constables of each parish to bring with thame and to deliver to the master of his Majesty's carriage ane list and roll of the number of horses that shall attend the saids services and ane list and roll of the horses that shall be absent, to the intent that the owners of the absent horses may be punished for their faillie and disobedience by poynding for the saids sax punds, as said is; certifying the said constables who shall not give up the said list and roll in maner foresaid that they and everie one of thame shall incurre the said pane of sax punds for everie absent horse or not giving up be thame as absent and shall be poynded for the same accordinglie."

"Forsameeekle as the baillie of Launderdaill, according to ane warrand and direction sent unto him be the Lords of Privie Counsell, hes tane particular notice of the number of horses for carriage and their furniture that everie parish within the said baillerie may convenientlie furnishe for lifting and carrying his Majesty's carriage fra Berwick to Dunglass, and hes made and presented ane roll of the saids parishes containing the number of horses designed to everie parish, with the names of the persons that are appointed to be constables in the parish, and to have the charge to cause the horses in the parish be in readiness for lifting of his Majesty's carriage at the tymes and places to be appointed, that is to say, the parish of Nenthorne, where Richard Scot in Little Newtown, Walter Pringill in Nenthorne and Thomas Newton in Newtown ar constables, twenty horses; the parish of Mertoun, where Andro Greinefeld in Mertoun, James Haig in Bimerside, and Alexander Lockie Wester in Mertoun, ar constables, 40 horses; the parish of Lauder, where Androw Murray in Lawder, Androw Bathgait in Langhald, and James Waderstoun in Kaidalac, ar constables, 72 horses; and the parish of Chingilkirk, where Johne Simson in Glengett, Johne Wilsoun in Collilaw, and Johne Somervell in Hilhoues, ar constables, twenty sax horses; as in the acts made to this effect at length is containit. And whereas thir persons abonewritin, who ar givin up to furnishe the number of horses respective abonespecieit, ar bound in dewtie to have their horses and others instruments and necessaries for carriage in readiness at Berwick upon the twelffe day of Junij next, airlie in the morning, and thair to lift his Majesty's carriage and carie the same therefra to Dunglass or otherways as they sall be directed for that day be the master of the carriage, nevertheles the Lords of Secrete Counsell apprehende that some undewtitfull persons will ly backe and shunne this service and nather bring nor send thair horses to Berwick for that use,
albeit there is nothing to be craved of thame bot for readie and thankfull payment, so as it is like enoughe that a part of his Majestis carrage will ly behind to the discrète and shame of the hailt nation without remeid be provydit; thairfor the saids Lords ordains letters to be direct charging the hailt parochiners of the parishes abonewrittin and constables appointed for eache parish that they and everie ane of thame doe and performe that qhilk to thair charge and dëwty in the service foresaid apperetiese; and for this effect that they direct and send and caus the number of horses abonespeciteit, appointed and allowed for everie parish, furnished with all things necessarie for carrage, be at the towm of Bervick upon the twelffe day of Junij nixtoome before three of the clocke in the morning, and there to lift his Majestis carrage and carie the same therefra to Dunglas or otherways as they sall be directed be the maister of his Majestis carrage, upon his Majestis charges and expences, under the pane of sax pundis for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majestis carrage, as said is; and to command and charge the constables of the said parish to pyond the readiest goods and geir of the persons disobeying for the said somme of sax pundis for everie hors that sall be absent and sall not keepe the precise tyme and place of meiting at the sight and discretioon of the maister of his Majestis carrage, and to make the said somme furthcomand to these whome the saids Lords sall appoint in this earand; and siclyke to command and charge the saids constables to bring with thame and to delyver to the maister of his Majestis carrage ane list and roll of the horses that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the owners of the absent horses may be punished for thair fallëy and disobedience by pyonding for the saids sax pundis, as said is; certifieing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurr the said pane of sax pundis for everie absent hors or not givin up be thame as absent and sall be pyonded for the same accordinglie."

"Forsameekle as the shireff of Hadintoun and convenener of the justices of peace within that shire, according to ane warrand and direction sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the number of hors for carrage and their furnitures that everie parish within the said shiredome may convenientlie furnishe for lifting and carryng of his Majestis carrage fra Dunglas to Seaount, and hes made and presented ane roll of the saids parishes containing the number of hors designed to everie parish, with the names of the persons that ar appointed to be constables in the parish, and to have the charge to caus the hors of the parish be in readines at the tymes and places to be appointed, that is to say, for the parish of Elstanefurde, where Robert Baptie is constable, sax carts and 8 hors beside; for the parish of Prestonkirk, where Richard Ramsay is constable, 35 carts; for the
parish of Baro, where John Geddes is constable, ten carts; for the
parish of Bothans, where Johne Hay is constable, 17 carts; for the
parish of Pencaitland, where George Rentoun is constable, 30 carts; for
the parish of Ormestoun, where Johne Harlaw is constable, 8 carts; for
the parish of Abirladie, where William Horsburgh is constable, 30 carts;
for the parish of Aldhamstockes, where George Wat is constable, 14
carts; for the parish of Boltoun, where Thomas Gottray is constable, 8
carts; for the parish of Quhittinghame, where James Dowglas is con-
stable, 24 carts; for the parish of Hadintoun, where Robert Spence,
James Home and James Veitch ar constables, 30 carts; for the parish
of Morhame, where Johne Stevin is constable, 6 carts; for the parish of
Quhytkirk, where Johne Bowie is constable, 12 carts; for the parish of
Spott, where Johne Fortoun is constable, 12 carts; for the parish of North
Bervick, where Richard Fergussooun is constable, 18 carts and 44 hors;
for the parish of Garvall, where James Dicksooun is constable, 30 hors;
for the parish of Innerweik, where William Clerksoun is constable, 18
carts and 52 single hors; for the parish of Dirletoun, where James
Caldeleuche is constable, 40 carts and 12 single hors; for the parish of
Saltoun, where Alexander Wylie and Robert Marvingstoun are con-
stables, 17 carts; for the parish of Humbie and Keith, where William
Borthuick is constable, 10 carts; for the parish of Prestoun, where
Walter Ros and Johne Browne ar constables, 30 carts; for the parish of
Tyningham, where George Shortous and Robert Ewat ar constables, 12
carts; for the parish of Stentoun, where Alexander Cromby is constable,
ten carts; for the parish of Sowtray, where Borthuick is con-
stable, 4 carts; for the parish of Dumbar, where George Kirkwod and
Alexander Gulane ar constables, 80 carts; and for the parish of Tranent,
where is constable, 60 carts. And they have nominat Patrik
Chrystesoun and Johne Thomesen, messengers, to be generall constables
for the said shireftome, as the roll givin in heirupon beiris. And
whereas the persons abonewrittin who ar givin up to furnishe the
number of carts abonespecificit ar bound in dewartie to have their
carts and others necessar for carrage in readines at Dunglas upon the
13 day of Junij nixt, airlie in the morning, and there to lift his Majesteis
carrage and carie the same therefra to Seatoun or otherwayes, as they
sall be directed for that day be the maister of the carrage, nevertheles
the Lords of Secreit Counsell apprehends that some undewtifull persons
will ly backe and shunne this service and nather bring nor send their
hors to Dunglas for that use, altho that nothing is to be craved of thame
bot for readie and thankefull payment, so as it is like eneugh that a part
of the carrage sall ly behind, to the discrédite and shame of the natoun
without remeid be provydit; thairfoir the saids Lords ordains letters to
be direct chargin the parochiners of the haill parishes abonewrittin and
costables appointed for eache parish and the generall constables of the
shire, that they and everie ane of thame doe and performe that quhilk
to their charge and dewtie in the said service appertane, and for this effect that they direct and send and caus the number of cartes abone specifieit and hors with creills and hochams appointed and allowed for everie parish weill furnished with all things necessarie for carriage, be at Dunglas upon the 13 day of Junij nixt before three of the clockes in the morning, and there to lift his Majesties carriage and carie the same therefra to Seaton or otherways, as they sall be directed be the maister of the carriage, upon his Majesties charges and expenses, under the pane of sax punds for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majestis carriage, as said is, and to command and charge the generall constables of the said shire to povnd the readiest goods and geir of the persouns disobeying for the said soume of sax punds for everie hors that sall be absent and sall not keepe the precise tyme and place of meeting at the sight and discretiou of the maister of the carriage, and to make the said soume furthcommand to these whome the saids Lords sall appoint in this earand, and siclyke to command and charge the constables of the saids parishes to bring with thame and to delyer to the maister of his Majestis carriage, ane list and roll of the horses that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the owners of the absent horses may be punished for their faillyie and disobedience by pounding for the saids sax punds, as said is, certifieing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie ane of thame sall incurr the said pane of sax punds for everie absent hors or not givin up be thame as absent and sall be punished for the same accordinglie.”

“Forsameelke as the convenner of the justices of peace within the shirefdom of Linlithgow, according to ane warrand and direction sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the number of hors for carrage and of their furniture that everie parish within the said shirefdom may convenientlie furnishe for lifting and carryng his Majestis carrage fra Linlithgow to Stirling, and hes made and presented ane roll of the saids parishes conteaining the number of hors designed to every parish, with the names of the persons that ar appointed to be constables in this parish, and to have the charge to caus the hors in the parish be in readiness for lifting his Majestis carrage at the tymes and places to be appointed, that is to say, the parishes of Kinneill and Caribdin, where James Gib in Kinneill Kers, Richard Bryce, officer of Kinneill, and Thomas Naper, officer of Caribdin, ar constables, 80 hors with necessars to that effect and for drawing cartes and waynes; the parish of Abercorne, where Gilbert Dick in Meidhope and Gawin Mowbray in Duddingstoun ar constables, 50 hors; the parish of Dummeny, where Johne Howdoun in Dummeny, Mathow Pantoun in Echling and Johne Young in Uporaig ar constables, sax score hors; the parish of Kirklistoun, where Thomas Young in Wincheburgh, David Neiff, James
Seatoun, Williame Paterson in Kinpont, and George Lin ar constables, 80 hors; the parish of Strabrock, where Henrie Potter, James Hoge in Howstoun, and Robert Adesoun in Newbigging ar constables, 40 hors; the parish of Eglismachin, where Robert Clerk in Waterstoun and James Wright in Bangour ar constables, 30 hors; the parish of Livingstoun, where James Fleming and George Whyte in Whytburne ar constables, 40 hors; the parish of Bathgait, where John Nemot in Eastoun and Androw Yett in Bathgait ar constables, 40 hors; the parish of Torphichen, where Alexander Paterson in Torphichen and William Adie in Drumowie ar constables, 40 hors; the out parish of Linlithgow, where Williame Hart in Bickartoun and Patrik Keir in Bayton ar constables, 80 hors. And the saids justices of the peace hes chosin Henrie Mekle in Neathermyline, Patrik Dennystoun and Peter Robertson, shireff officers, to be generall constables of the said shirefdome; as in the act made to this effect at lenth is conteanit. And whereas the number of horses givin up for this shirefdome will not be sufficient for carying and transporting his Majesties carrage from Linlithgow to Stirlin, thairfor the saids Lords hes adjoynned the parishes underwittin, lying within the shirefdome of Stirlin, for carying and transporting his Majesties carrage from Linlithgow to Stirlin, quhilks parishes ar givin up in the report made be the shireff of Stirlin to furnishe the number of hors following, that is to say, the parish of Bothkenner, whairof Alexander Callendar and John Cowie are constables, 80 hors; the parishes of Fawkirk, Morvingside, Denny and Slamannamure, whairof John Wyse, Williame Burne, Alexander Craufurd and George Grahame ar constables, 400 hors; the parish of Airth, where Alexander Guidlet and John Hall ar constables, sax score hors; and the parish of Donypace, where Williame Howet and James Forrester ar constables, 60 hors; as in the report givin in heirupon at lenth is conteanit. And whereas the parishes foresaid who ar givin up to furnishe the number of horses respective abonespecificit ar bound in dewtie to have their hors, carts and others instruments and necessars for carrage in readines at Linlithgow upon the second day of July nixt, airlie in the morning, and there to lift his Majesties carrage and carie the same therefra to Stirlin or otherwayes as they sall be directed for that day be the maister of the carrage, nevertheless the Lords of Secret Counsell apprehende that some undewtifull persons will ly backe and shunne this service and nather bring nor send their hors to Linlithgow for that use, altho that nothing is to be craved of thame bot for readie and thankfull payment, so as it is lyke enough that a part of the carrage sall ly behind, to the discrede and shame of the hail natiou without remeid be provydit; thairfor the saids Lords ordains letters to be direct charging the parochiners of the hail parishes abonewrittin and constables appointed for eache parish and the generall constables of the shire that they and everie one of thame doe and performe that quhilk to thair charge and dewtie in the service foresaid appertane, and for this effect
that they direct and send and caus the number of horses abonespecifit, appointed and allowed for everie parish weill furnished with all things necessar for carrage be at the burgh of Linlithgow upon the said second day of July nixt before three of the clocke in the morning and there to lift his Majestie carrage and carie the same therefra to Stirling upon his Majestie charges and expences, under the pane of sax pundis for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift the carrage, as said is, and forder under the pane to be punished in their persouns as disappointers of his Majestie service; and to command and charge the generall constables of the said shire to paynd the readiest goods and geir of the persons disobeying for the said soume of sax pundis for everie hors that sall be absent and sall not keepe the precise tyme and place of their meiting at the sight and discretion of the maister of the carrage, and to make the said soume furthcommand to these whom the says Lords sall appoint in this earand; and siclyke to command and charge the constables of eache parish to bring with thame and to delyer to the maister of the carrage and roll of the number of hors that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the oweners of the absent horses may be punished for thair fallyie and disobedience by paynding for the saids sax pundis, as said is; certifeing the says constables who sall not giv up the said list and roll in maner foresaid that they and everie ane of thame sall incurre the said pane of sax pundis for everie absent hors or not givin up be thame as absent and sall be paynd for the same accordinglie; and siclyke to command and charge the shireffs of Stirling and Linlithgow and thair deputs and the conveners of the justices of peace within the same, that thay within thair severall bounds, offices and jurisdictiones have ane speciall care that the particular constables within everie parish and generall constables of the shire, as alsua the parochiners of everie parish doe and performe all and everie thing quhilk to thair severall charges apperteanes, as the says shireffs and conveners will answere upon the dewtffull discharge of thair offices.”

“Forsameekle as the shireff of Stirling and Clackmannan, according to ane warrand and directioun sent unto thame be the Lords of Privie Counsell, hes tane particular notice of the number of hors for carrage and of thair furniture that every parish within the said shirefdome may convenientlie furnishe for lifting and caryng his Majestie carrage frome Stirling to Dunfermline and hes made and presented ane roll of the saids parishes conteaning the number of hors designed to everie parish with the names of the persons that ar appointed to be constables in the parish and to have the charge to caus the hors of the parish be in readines for lifting his Majestie carrage at the tymes and places to be appointed, that is to say, the parish of St. Niniane, whairef Alexander Bennie, Androw Craufurd, Andro McKay, Robert Johnestoun and Robert
Richartson, ye appointed constables, 300 hours; the parish of Larber, whairf Johne Burne and William Johnestoun ar constables, 60 hours; the parish of Monyabroch, whairf Johne Kneilland and Johne Forrester ar constables, 40 hours; the parish of Campsie, whairf Johne Wilsoun, Thomas Gray and Johne Lennox ar constables, 100 hours; the parish of Galfrone [sic], whairf Patrik Naper and James Yuill ar constables, 30 hours; the parish of Fintrie, whairf Johne Pale is constable, 30 hours; the parish of Kippane, whairf Duncane Buchannan and Johne Gilfillan ar constables, 100 hours; the parish of Kincardin, whairf William Mitchell is constable, 30 hours; the parish of Kilmadock, whairf Johne Mitchell, elder, and David Dog ar constables, 100 hours; the parishes of Dumblane and Blackfurde, whairf Andro Ker and Johne Bryce ar constables, 200 hours; the parishes of Lecrope and Logie, whairf Johne Gentleman, Thomas Hendersoun and Johne Galloway ar constables, 95 hours; the parish of Alveth, whairf Johne Monteth and Alexander Young ar constables, 40 hours; the parish of Tillicultrie, whairf Thomas Alexander and Robert Hutson ar constables, 40 hours; the parish of Doller and Muckart, whairf James Patoun, Johne Alexander, Johne Drysdaill and Johne Kirk ar constables, 80 hours; the parishes of Alway and Tullibodie, whairf Thomas Miller and Johne Archibald ar constables, 80 hours; the parish of Clackmannan, whairf William Andersoun and Robert Quhyte ar constables, 80 hours; the parish of Tulliallane, whairf Alexander Stewart is constable, 20 hours; the parish of Culros, whairf Robert Henrie and ar constables, 100 hours; and the parish of Stirline, whairf James Fothringhame, ane of the bailleis of Stirline, hes tane the burdein, 60 hours. And the saids shireff and justice[s] of peace within the saids shirefdomes have appointed William Wallace and Williame messengers, twa of the shireff officers, to be general constables of the shire to warne the particular constables whome they ordained, with advice of the landlords and their officers, to divide and sett the number of horses foresaides among the maisters and tennants of the parishes, and where carts may possiblie be had that they be charged for, and where nane can be had that they be furnished with hochams, creillis and towes as in the report made hearupon at lenth is conteanit; lykes the saids Lords hes appointed the parishes of Sawline and Crombie to be joyned to the saids shirefdomes of Stirline and Clackmannan for lifting his Majesteis carrage from Stirline to Dumfermeline, qhilkis parishes ar givin up to conteane the plewes underwrittin, viz., the parish of Sawline, where Thomas Scotland is constable, 29 plewes, and the parish of Crombie, where Thomas Wilsoun is constable, 12 plewes, and erie twa single plewes to furnishe ane cart and twa hours or twa hours for carrage; as in the report of the shirefdom of Fyffe at lenth is conteanit. And whereas the parishes foresaid those ar givin up to furnishe the number of hors abonespecificit ar bound in dewtie to have their hors and carts and others instruments and necessars for carrage in readines at
Stirling upon the fourt day of July nixt, aulrie in the morning, and there to lift his Majestis carriage and carie the same therefra to Dumfermeline, nevertheless the Lords of Secret Counsell apprehends that some undewitfull persons will ly backe and shunne this service and rather bring nor send their hors to Stirling for that use, albeit nothing is to be craved of thame bot for readie and thankfull payment, so as it is like enoueh that a part of the carrage sall ly behind to the discrede and shame of the hail natoun, without remeid be provydit: thairfoir the saids Lords ordains letters to be direct charging the parochiners of the hail parishes abonewrittin and constables appointed for everie parish and the generall constables of the shire that they and everie one of thame doe and perfore that quhilk to thair charge and dewtie in the service foresaid appertanees, and for this effect that they direct and send and caus the number of carts and horses abonespecifie appointed and allowed for everie parish, weill furnished with all things necessar for carrage, be at the burgh of Stirling upon the said fourt day of July nixt before three of the clocke in the morning, and there to lift his Majestis carrage and carie the same therefra to Dumfermeline upon his Majestis charges and expences, under the pane of sax pundes for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majestis carrage, as said is, and forder under the pane to be punished in thair persons as disappointers of his Majestis service. And whereas the constables of the parishes of Campsie, Dumblaine and Blackfurde, Tulliallane and Culros, and Johne Wilsoun, one of the constables of Kippen, hes not accepted that charge upon thame, to command and charge the sais constables to accept the said charge upon thame, and accordinglie to doe and perfore all and everie thing quhilk to thair places appertanees, within three dayes nixt after the charge under the pane of rebellion, etc., and if they failie to denunce, etc. And sicllyke that yow command and charge the generall constables of the said shire to poynid the readiest goods and geir of the persouns disobeying for the said soume of sax pundes for everie hors that sall be absent and sall not keepe the precise tyme and place of thair metting at the sight and discretion of the maister of the carrage, and to make the said soume furthecomand to these whome the saids Lords sall appoint in this earand. And sicllyke to command and charge the constables of eache parish to bring with thame and to deliever to the maister of the carrage ane list and roll of the number of the hors that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the awners of the absent horses may be punished for thair failie and disobeyance by poynid for the saids sax pundes, as said is. Certifieing the saids constables who sall not give up the said list and roll in maner foresaid that they and everie one of thame sall incurre the said pane of sax pundes for everie absent hors or not givin up be thame as absent and sall be poyned for the same accordinglie; and sicllyke to command and charge
the shireffs of Clackmannan and Stirlin and their deputs and the con-
veenner of the justices of peace within the same that they within their
severall bounds, offices and jurisdiction have ane speciall care that the
particular constables of everie parish and generall constables of the shire,
as alsa the parochiners of everie parish, doe and performe all and everie
thing quhilk to their severall charges apperteanes, as the saids shireffs
and conveenner sall answer upon the dewtie of their offices."

"Forsameekle as the conveenner of the justices of peace of Fyffe and
Kinrossie, according to ane warand and direction sent unto thame be the
Lords of Privie Counsell, hes tane particular notice of the number of
hors that everie parish within the saids shirefdomes may convenientlie
furnise for lifting and carying his Majestyes carriage fra Dumfermeline
to Falkland and frome Falkland to Brutilland and hes made and pre-
sented ane roll of the saids parishes conteaning the number of plewes
within everie parish and appointing everie fotehe plewe to furnishe ane
cart and twa hors where carts ar, and two horses where no carts ar, and
two single plewes ane cart with twa hors or two hors for carrage; and
they have divydit the saids shirefdomes in foure presbyteries, and within
everie presbyterie hes appointed generall constables, to Witt, for the
presbyterie of St Andrews, Peter Greg, messenger there; for the
presbyterie of Cowper, Laurence Burrell, messenger there; for the presbyterie
of Dumfermeline, Robert Stirk, messenger there; and for the presbyterie
of Kirkaldie, James Pitblado, messenger there, who ar to charge the par-
cordial constables of everie parish to advertise the parochiners to have
their hors and carts in readiness as they sall be required to that effect.
Lykees for this purpose they have appointed the persons underwrittin
constables in everie parish who all have accepted the charge and givin
up the number of plewes within eache parish in maner following, viz.,
In the presbyterie of St Andrewes: the parish of Kemback, where
David Cowper in Dura and Thomas Gibsoun in Blebohall are cons-
tables, aucth fotehe plewes; the parish of Forgund, where Johne
Hendersoun and Johne Miller ar constables, 24 fotehe plewes; the
parish of Ferrie, where Thomas Imtrie and James Adam ar constables,
5 fotehe plewes; the parish of Leuchars, where William Short and
George Greeve ar constables, 40 fotehe plewes; the parish of Largo,
where William Henderson is constable, 20 fotehe plewes; the parish of
Newburne, where David Simson is constable, ellevin fotehe plewes; the
parish of Kilconquhar, where Johne Drummond is constable, 31 fotehe
plewes, and a single pleuche; the parish of Abircrombie, where Johne
Bedason is constable, 4 fotehe plewes; the parish of Carnbie, where
Johne Beanes and Henry Ramsay ar constables, 32 fotehe plewes;
the parish of Kilrinnie, where Thomas Andersoun and James
Russell ar constables, 12 fotehe plewes; the landwart of Craill
where Patrik Danskein is constable, 19 fotehe plewes; the parish
of Kingsbarnes, where Williame Corstorphine and Alexander Brig ar
constables, 23 foteche plewes; for the landwart parish of St Andrewes, where William Keir, John Smith, John Miller and William Alexander are constables, fiftie foteche plewes; the parish of Dynninnor, where William Henderson is constable, 6 foteche plewes; and the burrowes following ar ordained to furnishe the number of horses following, to witt, the burgh of St Andrews 12 hors, the burgh of Craill 8 hors, Anstruther Wester 3 hors, Anstruther Easter 6 hors, Kilrynne twa hors, and Pittinnie 3 hors. For the presbyterie of Cowper: the landwart of the parish of Cowper, where Robert Balfour in Balgarvie and Alexander Ballingall in Kilmorran ar constables, 16 foteche plewes and ane single plew; the toun of Cowper 8 carts; the parish of Cults, where Andro Daniel of Bunzeoun and Patrik Grundestoun in Barblaire are constables, 9 foteche plewes; the parish of Kettill, where William Bettie in Orkie and David Rymour there ar constables, 25 foteche plewes; the parish of Falkland, where Androw Burrell and David Strauchane ar constables, 19 foteche plewes; the parish of Stramiglo, where James Ballingall and John Sunzeour in Pitgornoch ar constables, 20 foteche plewes; the parish of Achtermucktie, where Henrie Sim there and Michael Gudwillie in Dempeystoun ar constables, 18 foteche plewes; the parish of Cullesesse, where George Scot there and William Thomesoun of Newton ar constables, 20 foteche plewes; the parish of Ebdie, where John Swintoun in Grange and John Tod in Burnside ar constables, 25 foteche plewes and ane single pleuche; the parish of Monymaill, where William Ballingall there and Robert Moreis of Ferrie ar constables, 25 foteche plewes and ane single plew; the parish of Creich, where James Clerk in Leuchrie and Robert Williamsou in Balmedieside ar constables, 9 foteche plewes and one single plew; the parish of Debug, where Walter Duncan in Johnstoun and Johne Spittell in Heighome ar constables, 8 foteche plewes and one single plew; the parish of Fisk, where James Bott at the myline of Ballinreich and Thomas Bowman there ar constables, ellevin foteche plewes; the parish of Balmernoch, where James Bertlitt in Kirktoun is constable, 9 foteche plewes; the parish of Kilmenie, where John Hendersoun there and Thomas Ramsay in the Starr ar constables, 24 foteche plewes and ane single plew; the parish of Logie, where Andrew Bell in Dunbrae and Alexander Ramsay in Cruvie ar constables, 12 foteche plewes and one single pleuche; the parish of Achtermunsie, where David Suntar there and Johne Ferrie in Collithier ar constables, 6 foteche plewes and ane single pleuche; the parish of Dairtie, where Johne Gourlay in Middelfudie and Johne Walker in Pittornie ar constables, 15 foteche plewes and ane single pleuche; the parish of Sires where ar constables, 31 foteche plewes and one single pleuche; the parish of Newburgh, where Patrik Ramsay is constable, ten hors. In the presbyterie of Kirkaldie: the parish of Bruntilland, where Johne Anderson there is constable for the burgh and Henrie Johnstoun in Newbiging for the parish, 26 single plewes; the parish of Kingorne, where
William Heich is constable for the burgh and James Lichtoun in Pittedie for the parish, 40 single plewes; the parish of Kirkaldie, where James Speidie and Androw Alexander ar constables for the burgh and David Knox in Tirbene and Thomas Lamb in Raith for the parish, twentie single plewes; the parish of Dysert, where Thomas Cokin in Donikeir is constable, 20 single plewes; the parish of Merkinche, where Androw Wilsoun there and Walter Morgane in Babirnie ar constables, 64 single plewes; the parish of Ballingrae, where Johne Pudgall in Corshill and Robert Meldrum at Inchegall mylne ar constables, 12 single plewes; the parish of Leslie, where James Robertoun there is constable, 30 single plewes; the parish of Kinglassie, where Thomas Currour in Stentoun and Androw Law in Pitlathie ar constables, 24 single plewes; the parish of Achterdirlrey, where Robert Kilgour in Pitkeny and Johne Stirk in Balgrege ar constables, 25 single plewes; the parish of Achertull, where Johne Crawfurdf there and Thomas Adestoun in Clentrie ar constables, 9 single plewes; the parish of Portmooke, where Androw Baith in Kirkes and George Bickartoun in Kynneswid ar constables, 21 single plewes; the parish of Kennoquhy where is constable, plewes; the parish of Wemes where is constable, plewes; and the parish of Skoony where ar constables, plewes. As lykewayes the constables of Kirkaldie gave up 12 hors for that burgh; the constables in Dysert 12 hors for that burgh; the constables in Kingorne 20 hors for that burgh; the constables of Brunstilard 20 hors for that burgh. In the presbyterie of Dumfermeline: the parish of Dumfermeline, where David Mitchell and James Angus ar constables, sevin score plewes; the parish of Carnock, where William Gibson is constable, 20 plewes; the parish of Orruell, where Robert Patersoun and Harie Livingston ar constables, 24 plewes; the parish of Baith, where Johne Orrock is constable, 4 plewes; the parish of Aberdour, where William Alexander and William Andersoun ar constables, 16 plewes; the parishes of Innerkeithing and Rassyth, where Mr Johne Murrey, Johne Thomsoun and Williame Thomesoun ar constables, 35 plewes; the parish of Dalgaty, where Johne Hendersoun is constable, 17 plewes; and the parish of Torrebume, where Androw Mudie is constable, 6 plewes; as in the report made heereanent at lenth is conteanit. And whereas the parishes foresaid who ar givin up to conteane the number of fotche plewes and single plewes abonewrittin, and everie fetche plew to furnishe one cart and twa hors where carts ar, and twa hors where no carts ar, and two single plewes one cart with twa hors or twa hors for carrage, ar bound in dewtie to have their hors and carts and other instruments and necessars for carrage in readines at Dumfermeline upon the fyft day of July nixt and at Falkland upon the tent day of the said moneth, arie in the morning, and there to lift his Majesties carrage and carie the same fra Dumfermeline to Falkland and fra Falkland to Bruntilland the dayes respective foresaid, nevertheles
the Lords of Secret Counsell apprehends that some undewtifull persons will ly backe and shunne this service and nather bring nor send their horses to Dumfermeline and Falkland for that use, altho that nothing is to be craved of thame bot for readie and thankfull payment, so as it is like enough that a part of the carrage sall ly behind, to the discrede and shame of the natioun without remeide be provydit; thairfor the saids Lords ordains letters to be direct charging the parochiners of the hail pareishes abonewritten and constables appointed for everie parish and the generall constables of the presbytereis, that they and everie ane of thame doe and performe that quhilk to thair charge and dewtie in the service foersaid apperteanes; and for this effect that they direct and send and caus the number of carts and horses abonespecifie appointed and allowed for everie parish, weill furnished with all things necesser for carrage, to be at the burgh of Dumfermeline upon the said fyft day of July nixt and at the town of Falkland upon the said tent day of July nixt before three of the clocke in the morning and there to lift his Majesteis carrage and carie the same fra Dumfermeline to Falkland and fra Falkland to Bruntiland respective upon his Majesteis charges and expences, under the pane of sax pundis for everie hors that sall be absent and sall not come in dew and lawfull tyme to lift his Majesteis carrage, as said is, and forder under the pane to be punished in thair persons as disappointers of his Majesteis service at the arbitremet of his Majesteis Counsell: And siclyke to command and charge the generall constables of the saids presbytereis to poynyd the readiest goods and geir of the persouns dissobeying for the said soume of sax pundis for everie hors that sall be absent and sall not kepe the precise tyme and place of thair meting at the sight and discretioune of the maister of the carrage, and to make the said soume furthcummand to these whome the saids Lords sall appoint in this earand. And siclyke to command and charge the constables of eache parish to bring with thame and to delyver to the maister of the carrage ane list and roll of the number of hors that sall come and attend the said service and a list and roll of the horses that sall be absent, to the intent that the awners of the absent horses may be punished for thair failyie and dissobedience by poynyng for the saids sax pundis, as said is; certifieing the saids constables who saill not give up the said list and roll in maner foersaid that they and everie ane of thame saill incurre the said pane of sax pundis for everie absent hors or not givin up be thame as absent and sall be poynyed for the same accordinglie. And siclyke to command and charge the shireffis of Fyffe and Kinroscher and the conveenners of the justices of peace within the same and provests and baillies of the burrowes foersaid that they within thair severall bounds, offices and jurisdictioune have ane special care that the particular constables of everie parish and generall constables of the shire, as alsa the parochiners of everie parish, doe and performe all and everie thing quhilk to thair severall charges apperteanes as they will anser upon the dewtifull discharge of thair offices.”
"Forsamekle as, altho by ane former act and proclamation made and published at the mercat croces of the Cannogait, Linlithgow, Stirling, Dunfermline and Falkland, intimatioun was made to all his Majesteis subjects who had tane anie lodgings and stables within anie of the saids burrowes and touns that they would be frustrat and disappointed thairof, and that the saids lodgings and stables would be tane up and marked for his Majesteis owne tryne and followers, notwithstanding the Lords of Secret Counsell a're informed that diverse persoune hes tane lodgings in the touns and burrowes foresaidis, so that suche of his Majesteis tryne and followers as necessarie must be lodged neere to his Majesteis owne persoun during his abode at the burrowes and touns particularie abone-writtin will be disappoinit of thair lodgings and will be constrained to provide for thamesellis in remote and farre places from his Majesteie to the disappoinit and neglecting of his Majesteis sevice and to his Majesteis high offence and discritie of the countrie; thairfor ordains letters to be direct to make new publication of the said former proclamation at the mercat croces of the burrowes and touns abonewrightin and to warne all persoune who hes tane or myndes to take anie lodgings or stables within the saime that they provide thamesellis elliswhere, assuring thame if they faillie that they will be disappoinit and that the saids lodgings and stables will be tane up for his Majesteis owne tryne and followers."

"Forsamekle as it is understand to the Lords of Privie Counsell that some trouble hes lateeli fallin out betuix John Coilyear and John Williamesoun, burgesses of Kirkaldie, qubilk hes raised suche ane heat and animoetie betuix thame and thair freinds that cach of thame a'seeking the occasioun of thair owne privat revenges to the disturbing of his Majesteis peace and to the heave trouble and disquyetig of the burgh of Kirkaldie: thairfor the saids Lords ordains letters to be direct charging both the saids partie to compeir personallie before the saids Lords upon the fourt day of Junij nixt to underly suche order as sail be tane with thame for the peace and quyet of the countrie, under the pane of rebellioun, etc., with certifiacioun, etc.; and in the meane tym to command and charge thame to observe and keepe our soveraine Lords peace ilke ane of thame with others, and that nane of thame presoome nor take upon hand to invade or persew 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 does in the contrarie that they sail be decernit to have incurred and to incurr the saids panes and letters, and executorials sail be direct aganis thame for payment thairof to his Majesteis thesaurer in forme as effeiris."

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

“Forsameekle as in the report latelie made be the sheriff of Edinburgh principall and some of the justices of peace within the same anent the repairing of the bieways betwixt Edinburgh and the furde of Kirklistoun, syndrie parts within the saids bounds are found necessarillie to be repaired and tymouslie to be helped for his Majesties more sure and easie passage that way toward Linlithgow, bot as yitt they have resolved upon no course how the defects in the said way sail be repaired, quhairthrow that service is lyke to be disappointed if some tymous and speedie order be not tane for helping of the same; and thairfoir ordains letters to be direct charging Sir George Forrester of Corstorphine, knight, shireff principall of Edinburgh, Sir William Nisbit of the Deane and Alexander Foullis, younger of Colintoun, commissioners nominat for ryding and sighting of the saids hie ways and who hes made their report, as said is, that they convene the justices of peace and the landed men, barons and gentlemen within the shiref dome of Edinburgh with all convenient diligence, and at their meeting that they resolve upon some solide and sure course how and be whome the saids ways sail be enlarged, mended and helped and made passable for horses, coaches and carts, and that they report unto the saids Lords upon the fourt day of Junij nixt are direct and cleere anser that the saids hie ways are repaired and mended, at the least that the same sail be perfytted and done before the occasioun of his Majesties ryding that
way, under the pane of rebellioun, etc., with certificatioun, etc. And siclyke to command and charge all his Majesteis lieges and subjects whome this service does concern that they and everie one of thame doe and performe that quhilk in this caise sall be injoyyned unto thame, as they and everie one of thame will answer upon the contrarie at their highest charge and perrell, and under the pane to be punished in their persons and goods as crossers and hinderers of his Majesteis service."

"Forsamekle as in the report made be the commissioners nominat for surveying and sighting of the hiewayes where his Majesteis progress in will ly within the shirefdom of Linlithgow no report is made how and be whome the saids hiewayes sall be enlarged and mended, but that point is yitt left undiscurrst and cleered, so as his Majesteis service is lyke to be disappoynted if tymous remeid be not provydit; thairfoir ordains letters to be direct charging the shireff and justices of peace within the shiref-
dome of Linlithgow to conveene and meit within the tolbuith of Linlithgow with all convenient diligence and there to prescryve and sett don the rule and order how and be whome the saids hiewayes sall be enlarged and mended and made passable for horses and carts, and lyke-
wayes how his Majesteis carrage sall be lifted and caried fra Linlithgow to Stirlinr, with power to thame for this effect to sett don such acts and ordinances theerauent as they sall thinke meet and to see the saids acts receive dew and full execution accordinglie, and that they report to the saids Lords upon the fourth day of Junij nixtocone ane exact accompt of thair diligence and that the saids wayes ar or sall be in dew tymen after his Majesteis coming that way well repaired and the hors for carrage made sure, under the pane of rebellioun, etc., with certificatioun, etc. And siclyke to command and charge all his Majesteis lieges whome this service does concern that they and every one of thame doe and performe that quhilk in this caise sall be injoyyned unto thame as they and everie one of thame will answer upon the contrarie at their highest charge and perrell and under the pane to be punished in their persons and goods as crossers and hinderers of his Majesteis service."

"The Lords of Secreet Counsell for the better forderance of the service of his Majesteis carrage within the shirefdomes through quhilkhis Majesteis progress lies ordains and commands the shireffs and con-
venners of the justices of peace of the saids shirefdoms to caus choice be made of some honest and famous persons who ar messengers to be generall constables for the saids shirefdoms, to the effect that incasize of disobedience be givin to thame for the service of the carrage they may use charges agani the disobedients for performance of thair dewteis."

"The whilk day in presence of the Lords of Secreet Counsell compeird personallie George, Erle of Wintoun, and promeist and undertooke that Androw Whyte of Mairkill, keeper of the tolbuith of Edinburgh, sall be hamelesse and skaithlesse of Johne Hepburne, sone to Sir Robert Hep-
burne of Barefute, knight."
"After our verie heartilie commendatiouns. We ar informed that yow have made choise of Sir George Hay, knight, Master of Dupline, to be one of the commissioners for that shirefdome at this approcheing Parliament, bot upon good consideratiouns it is not thought fitt that he sall supplee that charge at this tyme bat that choise be made of some other baron and gentleman of good ranke and qualitie to attend that service; and thairfor these ar to request and desire yow to convene the small barons and freeholders of that shirefdome with all convenient diligence, and at thair meiting that yow shew unto thame the necessitie of a new commissioner to be chosin in place of the said Sir George Hay to attend the said Parliament and that yow deale and insist with thame to make choise of some famous and worthie gentleman to be commissioner in place of the said Sir George Hay, and that the small barons have ane speciall care that thair commissioners be weill and honoroble sett out and provided with foote mantells and other furniture fitting to that honoroble action wherein they ar employed, upon the charges and expenses of the saids small barons and freeholders, as is done in the remanent shires of this kingdome, and conforme to the lawes and Acts of Parliament made to that effect. And recommending this to your care and diligence as a point of his Majestie service, quhilk may not suffer delay, and that yow report the Act of the electioun autentiklie subseryvit and sealed to his Majestie Counsell betuix and the last day of this instant, we committ yow to God. Frome Halyrudhous, 15 May, 1633. Subscribitur, Geo. Cancell., Mortoun, St Andrewes, Hadintoun, Glasgow, Winton, Wigtoun, Lauderdalell, Air, Jo. Islaes."

"After our verie heartilie commendatiouns to your good lordship. Whereas the Kings Majestie intende, God willing, to be at Dunfermeline upon Thursday the fourth of July now approcheing and to remove therefra towards Falkland upon the morne thereafter, being the fyft, it is thairfor verie necessar for the honnour and credite of the countrie that his Majestie sall be attended and accompanied frome Dunfermeline to Falkland be your lordship, as deilie of the regaliie of Dunfermeline, accompanied with the noblemen, barons, vassalls, fewers and gentlemen of the said regaliie weill hesed and in good equippage, and for this effect these ar to request and desire your good lordship to give tymous warning and advertisement to the saids noblemen, barons, vassalls, gentlemen and fewers of the said regaliie within the sherefdome of Fyffe that they and everie ane of thame, weill horsed and in good equippage and apparrel, prepare themeselfes to meit your lordships at Dunfermeline upon the said fyft day of July nixtocomme and to attend and await with your lordship upon his Majestie convoy therefra towards Falkland, and your lordship is to have a speciall care that no rascalls, commouns nor others be suffered to be in your lordships companie, bot gentlemen weill horsed and in good equippage; and for the commouns they ar not to be hindered
to stand upon the gait sides and to gett a sight of his Majestie; and recommending this to your lordships care as a point of service highlie concerning his Majestie's contentment, your lordships owne honour, and credite of the countrie, we committ your lordship to God. Frome Halyrudhous, 17 May, 1633. Subscribitur, Geo. Cancell., Mortoun, Tracquair, J. Hay, Sr Thomas Hop."

Sedunt—Chancellor; Treasurer; St. Andrewes; Privy Seal; Holyrood House, 20th June.
Bishop of Glasgow; Lauderdaill; Viscount of Air; Tracquair; May 1633.
Clerk Register.

"The whilk day the letter underwrittin, signed be the Kings Majestie and this day presented to the Lords of Secret Counsell, was 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 counsellors, and trustie and weilbelovit counsellers, we greit yow weill. Whereas for good considerations knowne unto us we have thought fitt that the Lord Uchiltrie be removed from our tolbuith of Edinburgh to our castle of Blacknes, that for our pleasure that immediatlie upon sight heirof yow give order for removing of the said lord from our said tolbuith to our said castell, there to remaine in close prison till our further pleasure be signifiied thereanent, for doing whairof these presents all be unto yow be sufficient warrand. Frome our Court at Theobalds, the 13 of May, 1633. In obediencie of quhilk letter the saids Lords ordains the said Lord Uchiltrie to be transported fra the tolbuith of Edinburgh, where he now remaines, to the castell of Blacknes be the shireff of Edinburgh, unto whom the saids Lords ordains ane letter be writtin ordaining the said shireff, accompanied with a sufficient number of gentlemen, his friends, to receave the said lord fra the provest and bailleis of Edinburgh the morne at twa of the clocke in the afternoone and to convoy and transport him in safetie theerfra to the castell of Blackness, and there to delyver him to the Erle of Linlithgow, keeper of the said castell, unto whom the saids Lords lykewayes ordains ane missive to be writtin commanding the said Erle to attend at the Blackness the morne at twa of the clocke in the afternoone and there to receave the said Lord Uchiltrie from the said shireff and to committ him to waerd within the said castell and to keepe and deteane him therein till he understand forder of his Majestie's will and pleasure concerning him; and ordains ane warrand to be direct to the provest and bailleis of Edinburgh to delyver the said Lord Uchiltrie to the said shireff of Edinburgh to the intent he may be convoyed be him to the said castle of Blacknesse."

\(^1\) Here ends this volume of the Register of Royal and other Letters.

\(^2\) For the previous proceedings against Lord Uchiltrie see Index to the preceding volume of the Register.
Sederunt:—Chancellor; Treasurer; Privy Seal; Bishop of Glasgow; Acts, June 1633-June 1634. 
Lauderdaill; Viscount Air; Clerk of Register; Secretary; Sir 1634. 
Robert Douglas; Master of Requests.

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

The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presented to the said Lords and read in their audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousins and counsellors, right trustie and weilbelovit counsellors, and trustie and weilbelovit counsellors, we greet yow weill. Whereas we have beene pleased to write unto yow at severall tymes that the abuse tuicheing the forran coyne now current in that our kimgdom might be remedied, and whereas at this tyme certane overtures herewithin enclosed have beene presented unto us touching that purpose, we ar hereby pleased to remitt thame unto your Fol. 228, a. consideratioun requiryng (after yow have callit the commissioners of our free burrowes before yow for acquainting thame with the overtures and for bearing what propositioun they can make or what they will contribute thereunto and finding anie of those overtures fitt for rectifeing of that abuse or anie other propositioun to be thought upon by your selfes or others) that yow certify us at our comming what course is fittest to be takin for the publict good and credite of that our ancient kimgdom;
whiche recommending unto your care we bid yow farewell. Frome our court at Theobalds, the 15 of May, 1633. Quhilk missive being heard and considerit be the saids Lords they have remitt and remitts the consideratioun of this matter to the Estates of Parliament."

In the Sederunt here "Iles" is added.

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

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

"The Thesaurair, Launderdaill, Air, Secretar, Maister of Requeists to
attend his Majestie at Bervick."

"The Counsell to meit his Majestie at Seatoun."

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

"Forsameckle as the Kings Majestie, by his letter directed to the
Lords of Privie Counsell, hes signified his royll will and pleasure that
his trustie and weilbelovit cousine, the Duke of Lennox, sall be
promoved and advanced to be ane of his Majestie privie counsell of this
kingsdome, in humble obedience of whilk letter the saids Lords hes
receavd and admitts and be the tenour heiroyf recieves and admitts
the said Duke of Lennox to be one of the privie counsell of this kings-
dome and to bruike and injoy all honours, digniteis and priviledges
proper and dew to that place; and whereas the necessitie of the said
Duke of Lennox his attendance upon his Majestie royall person at Court
disables him to come heere at this tyme to give the accustomed oath of
allegence and of a privie counsellor, and the saids Lords being loath
that upon this occasion he sall be prejudged of that favour whiche his
Majestie hes beene gratsiouslie pleased to vouchsafe upon him, thairfyr
the saids Lords, according to the warrand and direction of the said letter,
hes givin and grantit, and be the tenour heiroyf gives and grants full
power and commandioun be thir presents to James, Marquiss of Hamilton,
William, Vicount of Stirline, principall Secretar of this kingsdome, and to
suche others of the Privie Counsell of the said kingsdome as sall be at
Court, or to anie one of thame with the said Vicount of Stirline, to
minister unto the said Duke of Lennox the oath of allegiance and of a
privie counsellor, and that the said Vicount of Stirline, his
Majestie Secretar, make ane note and act thairupon and report the

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

“Forsameekle as it is understand to the Lords of Privie Counsell that there is numbers of persons within the burgh of Edinburgh, the Canno-
gait and Leith, and in the Cannomylnes who hes tane houses, chambers
and stables within the saids burrowes and touns, the present possessours
of quhlks houses, chambers and stables lingers and delayes thair
removing therefra till after the terme of Witsunday, whilk is the
ordinar terme of removing and quhlk will fall out in the verie mean
tyme when his Majestie, accompanied with his tryne and followers, will
be heere and the fitting and removing at that tyme will be verie
unseasonable and untymous and will produce verie great confusion and
disorder and disappoint numbers of his Majestie tryne and followers of
thair lodgings and stables, to the great discrcite of the countrie and to
his Majestie high offence if some present course be not tane to prevent
the same; thairfoir the Lords of Secret Counsell ordains and commands
the provest and baillies of Edinburgh, the bailleis of Leith and the
Cannogait, and baillies of the baronie of Brouchtown that they and everie
ane of thame within thair awne bounds and jurisdictiones, caus the haill
persons who ar presentlie dwelling in anie lodgings and houses formerlie
tane be others or whilk ar designed and givin up for his Majestie tryne
and followers, to remove therefra and to leave the same voide and red, to
the intent the persons who hes tane the same may tymouslie and
peaceablie enter thereto and be the more readie to prepare and dresse
the same for the recept and interteening of suche of his Majestie tryne
as all be billetted and directed to thame, and that all the saide houses
whils ar tane, as said is, be made voide and patent for the intrant
tenent ten dayes before his Majesties comming, as the saide provest and
baileeis will answer upon their obedience. And siclyke that they caus
publick intimations be made throw their touns be sound of drum that
no persons whatsomewer presomme nor take upon hand to take any
loodgings or stables whils ar designed and tane up by his Majestis
harbenger but that they be kept free for receaving of suche as all
be billetted and directed to thame, and if any saill doe in the contrarie
heirof that the saids magistrate have a speciall care and regarde that
the persouns, takers of the saids loodgings, houses and stables be disap-
poincted thairof and the same preserved and keeped for the use of
his Majestis tryne and followers, as they will answer upon the contrarie
at thair perrell."

"Forsameekle as the Kings Majestie, by his letter writtin and directed
to the Lords of his Majestis Privie Counsell, hee signified his royall will
and pleasure that the saids Lords sould informe thameselfs from suche
persouns to whome the Laird of Lus hes entrusted the menaging of his
estait how the said ladie is provided, what is the estait of the hous and
living of Lus as it now is, with the haill debts wherewith it is burdened,
and what will fall to his Majestie be the Laird of Lus his escheit, to the
intent that his Majestie may accordinglie give suche ane answer as in his
princelie judgement he sall thinke fitt to aue humble sute made to his
Majestie in the behalfe of the Ladie Luss that she might have sufficient
maintenance allowed for her intertaneament, becaus, as she affirmed, she
had pame for the present tyme; in obedience of whilk letter the saids
Lords hes alreadie tane some pane and travellis to informe thameselfis in this bussines and ar to follow out the rest of the tryeul and examina-
tioun in all the particulars concerning the same, and in the meanetyme
reason and justice craves that the whole rents and dewteis of the living
of Luss sall be sequestrat in the hands of the chamberlans and intro-
metters therewith to remaine in thair hands undisposed or givin up to
anie person or persons bot to be made furthcummand to his Majestie
and his officers as they sall be required thereto; and for this effect ordains
letters to be direct charging the whole chamberlans and intrometters
with the rents and dewteis of the living of Lus to reteane in their hands
the saids haill rents and dewteis alreadie intrometted with be thame and
wherewith they sall intromett and uplift at anie tyme hereafter, and that
they in no wayes presomme nor take upon hand to make payment or
delyverance of anie part or portion thairof to anie persons whatsomewer,
but that they reteane the same and make the same furthcummand to his
Majestie and his officers as they sall be required thereto, under the pane
to be callit, persewed and punished as contemners of his Majestis royall
commands and directionis and to be made answerable and comptable to
his Majestis officers for all that they have receaved or sall hereafter
receave of the saids rents and living."
"The whilck day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Secret Counsell, wes presented to the saids Lords and read in thair audience, of the whilck the tennour followes:—CHARLES R. Right trustie and right weillbelovit cousine and counsellor, right trustie and weillbelovit cousines and counsellors, right trustie and weillbelovit counsellours and trustie and weillbelovit counsellers, we greet yow weill. Whereas there ar diverse differences (as we ar informed) concerning some priviledges at our coronation and parliament amongst our right trustie and weillbelovit cousine, the Duke of Lennox, our right trustie and weillbelovit cousine and counsellor, the Marquis of Hamilton, our right trustie and weillbelovit cousines, the Marquis of Huntlie, the Erle of Angus, the Erle of Erroll, and our right trustie and weillbelovit cousine and counsellor, the Erle Mairshell, we ar desyrous that before our being there all differences of this nature may be removed; and thairfor it is our pleasure that yow call the saids partis before yow, or suche as they sell appoint to answere for thame in thair absence, and having heard what things in this kynde ar contraverted amongs thame and the reasouns and alledgences of eache partie therein, that then, if yow can, compound the differences amongs thame, or, if yow can not, than to report the trew estait thairof with your opiniou what is to be done therein at our comming thither. So expecting your care and diligence heerin we bid yow farewell. Frome our court at Theobalds, the 13 of May, 1633."

"The whilck 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 whilck the tennour followes:—CHARLES R. Right trustie and right weillbelovit cousine and counsellor, right trustie and weillbelovit cousines and counsellors, and trustie and weillbelovit counsellors, we greet yow weill. Whereas by our letter unto yow of late we wer pleased to approve the certificat that wes returned unto us concerning the office of our High Constable, remitting to your serious consideration the justnes of the allegiations therein contenenned; being since informed by the commissioners of our free burrowes that they ar likelie to be verie muche wronged thereby, as we desire not to derogat anie way frome the said office in what is justlie dew thereunto, so it is no way our intention to prejude anie of our saids burrowes in thair lawfull rights grantit by our royall progenitors unto thame; it is our pleasure that yow call thair commissioners before yow, and having heard thair objections in the said mater in presence of the other partie, if yow sall find thair differences to arise upon thair rights and possessiouens that if yow can, yow compone the differences betweene thame, or, if yow can not, than to report to us the trew estait of the bussines with your opiniou what is to be done upon it at our comming in so farre as concernses the said difference; whiche recommending to your care we bid yow farewell. Frome our court at Theobalds, the 13
of May, 1633. Qhillik missive being heard and considderit be the saids Lords and they advised therewith they ordaine the parteis be thair comissions and agents to be warned to compeer before the saids Lords upon Fryday nixt."

_Sederunt—_Chancellor; Treasurer; Privy Seal; Glasgow; Mairshell; Holyrood House, 31st May 1633. Wintoun; Linlithgow; Roxburgh; Perth; Lauderdaill; Bishop of Dumblaine; Viscount Air; Bishop of the Yles; Lord Lorne; Melvill; Carnegie; Tracqaur; Secretary; Clerk of Register; Advocate; Justice Clerk; Master of Requests; Sir Robert Douglas; Sir James Baillie.

"The Lords of Secreit Counsell gives and grants full power and commissioun be thir presents to Patrik, Archbishop of Glasgowe; Johne, Bishop of the Yles; Robert, Lord Melvill; Sir Archibald Achesoun, Secretar'; Sir James Galloway, Maister of Reueisstes, and Sir Robert Dowglass, Constable at the coronation, knight, or anie foure of thame, to try what priviledges are dew to William, Erle of Erroll, Lord High Constable of this kyndome, at the tym of his Majesteis coronatioun."

"The Lords of Secreit Counsell gives and grants full power and commissioun be thir presents to George, Vicount of Dupline, Lord High Chancellor of this kyndome; William, Erle of Mortoun, Theesaur'; Thomas, Erle of Hadinton, Lord Privie Seale; Alexander, Erle of Linlithgow; Robert, Erle of Roxburgh; and Sir Johne Hay, Clerk of Register, or anie foure of thame, to heare the differences betuix the Constable and Mairshell and to use their best endeavours for composing of the same, and in caise of variance to report to the Counsell; and ordains the saids commissioners to conveene and meeit for this effect the morne at eights of the clocke in the morning in the said Lord Chancellors hous."
hous ane warrand. Followes his Majestis missive for warrand of the act abonewritten:—CHARLES R. Right trustie and right weilbelovit cousin and counsellor, right trustie and right weilbelovit cousins and counsellors, and trustie and weilbelovit counsellors, we greit yow weill. We have sent the enclosed petition to be considerit by yow, and if yow find the errour therein mentiont to have fallin out (as is probablaffirmed) by a casuall oversight in the workmen and not by a designe in the petitioner, our pleasure is that (without conseqence of anie toleration in tyme to come) yow take for the present suche course as without prejudice to our good subjects of that our kingdome may best tend to the petitioners demand; and for your so doing these presents sall be your sufficient warrand. Frome our court at Whitehall, the 5 day of Aprile, 1633.”

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

“The quhilk day the Erle of Angus, compeirand before the Lords of Privie Counsell, produced an infeftment bearing the Erles of Angus to have the first place in sitting and voting in Parliament and conven- tions, leaders of the vantgarde of the Kings armeis, and cariers of the crowne in Parlaments.”

“A missive frome his Majestie tuicheing the priviledges acclayed be the Constable to be dew unto him the tyme of the coronation, for cleeing quhairof a commission ordained to be past,” as on p. 107 ante.

“The whilk day M’ Briot produced ane warrand under his Majestis hand direct to him for the fabrication of the medalls appointed by his Majestie for the coronation; according quhairounto the Lords ordains the said M’ Briot to proced to the working and printing of ane hundreth peeces of gold at the worth of 20s. sterline the pece, and twa thousand peeces of silver at twelwe pence the pece, of the weight and fynnesse of his Majestis standart.”

Holyrood House, 3rd June 1633.

“Forsameekle as the Lords of Secret Counsell hes found it necessar that the provisouns requisite for his Majesties being at Dunglas sall be transported frome Edinburgh to Dunglas aganis the fyft day of Junij instant, and for this effect hes givin order and direction to the maister...
of his Majesteis carrage and his aydes to have carts and others necessar
for carrage in readiness; and whereas the parishes of Mussilburgh and
Hadinton ar thought fittest be the master of the carrage to be employed
in this service; thairfor the saids Lords ordains letters to be direct
charging William Tod in Fisherraw, constable of the toun, and incor-
poratioun of Mussilburgh, where there is 30 carts, with 3 hors in ilke
cart, and 30 hors with crellis and hochams givin up for lifting his
Majesteis carrage, to caus bring and send the number of carts and
horses abonewrit, at the least so manie of thame as the maister of his
Majesteis carrage or his aydes sall injoyne unto thame, from Mussilburgh
to Edinburgh for lifting of his Majesteis provision from Halyrudhous
to Dunglas upon Wednesdy nixt, the fourt of Junij instant, at three of
the clocke in the morning; and siclyke to command and charge Robert
Spence, James Home and James Veitch, constables of the parish of
Hadintoun, where there is 80 carts givin up for carrage, to caus bring
and send so manie of the saide carts and hors as the maister of the
carrage or his aieds sall injoyne unto thame to Hadintoun upon the said
fyft day of Junij instant at ten of the clocke in the forenoon for
lifting his Majesteis said provision therefra to Dunglas, under the pane
of sax pund for ilke hors that sall be absent and sall not keepe the
tymes respective foresaid, quibiks panes sall be uplifted of thame
without favour; and siclyke to command and charge the provest and
baileis of Hadintoun and the baileis of Mussilburgh to have ane
speciall care that the parochiners within their bounds send in the
number of carts and horses foresaid in maner abonewrittin, as they will
answere upon the dewtifull discharge of their offices.”

“The Lords of Secret Counsell, considering that there is a verie
great necessitie that James Liddell, serjant of his Majesteis paitrie, be
assisted and furnished with a sufficient number of skilled and able
persons to serve his Majestie in that service upon his Majesteis charges
during the tymes of his being in this kengdome, thairfor the saids Lords
ordains and commands the provestes and bailleis of Edinburgh, Lin-
lithgow, Stirlin, Dumfermeline, Falkland, and of all others burrowes and
touns of this kengdome, and all others his Majesteis judges, officers and
magistrates to burgh and land, that they and everie one of thame caus
suche persons, inhabitants within their bounds, as sall be givin up to
thame be the said James Liddell to attend and await upon the said
James and to follow and obey his directious in all and everie thing
concerning that service, as the saids provestes and bailleis will ansuer
upon the dewtifull discharge of their offices.”

*Sedent ut die pradido.*

“The Lords of Secret Counsell, considering that there is a verie great
necessitie that Thomas Spence, Crystall Russell and Thomas Stennop,
baxter to his Majestie, be assisted and furnished with a sufficient number of skilled and able persons to serve his Majestie in that service upon his Majesties charges during the tyme of his being in this kingdome, thairfor the saids Lords ordains and commands the provest and bailleis of Edinburgh, Linlithgow, Stirling, Dumfermline and Falkland, and of all others burrowes and townes of this kingdome, and all others his Majesties judges, officers and magistrates to burgh and land, that they and everie one of thame caus suche persons, inhabitants within their bounds, as sall be givin up to thame be his Majesties saids Baxter to attend and await upon thame and to follow and obey thair directions in all and everie thing concerning that service, as the saids provest and bailleis and others foresaidis will anser upon the dewtiful discharge of their offices."

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

"Avisandum anent the eleemosynar, as alsau anent the forme of ryding at the coronatioun, and tuicheing the order of the bishop's ryding."

Holyrood House, 6th June 1633.

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

"Forsameekle as the hie wayes betuix the Water yet of the Cannogait and the town of Leith is verie unpassable in sindrie parts thairfor of hors and coaches, quhilk will be a verie great discrede to the countrie if in suche ane eminent place so neere his Majesties palace his Majesties common hie way sall not be passable; thairfor the Lords of Secret Counsell hes thought met, concluded and ordained that the said hie way betuix the water yet and Leith sall with all convenient diligence be enlarged, helped and repaired be the Lord Balmerinoch, the fewers of Restalrig, the baron baillie of Brouchtoun and bailleis of the Cannogait with the helpe and assistance of the inhabitants within these bounds; and thairfor ordains letters to be direct charging the persons particularie abonewrittin that with all convenient diligence they putt too warkemen to helpe, repaire, enlarge and mend all the defects in the way betuix the Water yet and Leith and make the same faire, easie and passable for hors, coaches and carts, and perfyte and mend the same betuix and the 15 day of Junij instant at night, certifeing thame if they fallyie that they sall be callit and convened before his Majesties Counsell and sall be severelie censured and punished as contemners of his Majesties royall directionis in a peece of service so highlie concerning his Majesties contentment and credite of the countrie."

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

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

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

**Sedunt**—Chancellor; St. Andrewes; Privy Seal; Glasgow; Linlithgow; Perth; Roxburgh; Annerdail; Bishop of Dumblane; Bishop of the Yles; Areskine; Melvill; Naper; Traceur; Advocate; Justice Clerk; Master of Requests; Sir Robert Douglas.

"The Lords of Secret Counsell having takin to their consideratioun the forme and orderfitting to be observed at his Majesteis entrie within the burghof Edinburgh,

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

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

"That a sword be caried before his Majestie at his entrie within the toun, and that the same be delveryed be the Lord Chamberlane to suche a nobleman as the King sall appoint for the carying that hrof.

"Ament the carying of the cannopie the tyme of his Majestie coronatioun, it is thought meit that there be ane list of twelffe noblemen sones presentit to his Majestie to the intent his Majestie may out of these make choise of sax for the service foresaid.

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

"That his Majestie be consulted anent the order and place to be keepe be the Lords Chancellor and Constable in thair ryding the tyme of the entrie, coronatioun and parliament, as lykewyse anent the place and order of ryding of the bishops the tymes foresaids.

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

"That the honournours be caried be the same persons at the coronatioun who are to carie the same at the parliament, to witt, the eldest in creatioun."
"Remitts to his Majestie who shall carie the spurrers.

"The apparrelling and disrobing of his Majestie the day of the coro-
nation and during the action thairof belongs to the Lord Chamberlaine
in the right of his office.

"The girding of the King with the sword, as lykewayes the drawing
of the sword, pertaines to the Constable.

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

"That his Majesteis pardon be not extended to John Toche, but that
he be excepted theerfra and frome all benefite of the same."

"The whilk day the Lords of Secreit Counsell, according to and
warrant and directioun in writ, signed be the Kings Majestie and thos
day presented unto thame, receaved and admitted Williame, Erle of
Erroll, Lord High Constable of this kingdom, to be one of the Privie
Counsell of the said kingdom, and to bruike and injoy all honnours,
dignitieis, libertieis and priviledges proper and dew to that place; lykeas
the said Erle being personallie present and acknowledging with all
humle and dewtifulfull respect his Majestieis gracious favour shawin
unto him by preferring and promoving him to this place of dignitie and
honour, he with all dew reverence on his knees made and gave the oath
of alledgeance and the oath of a privie counsellor. Followes his
Majestieis missive for warrant of the act abonewrittin:—CHARLES R.
Right trusty and welbelovit cousine and counsellor, right trusty and
welbelovit cousines and counsellers, and right trusty and welbelovit
counsellers, we greit yow weill. We, being informed of the sufficiencie
of our right trustie and weilbelovit cousine, the Erle of Erroll, and of his
affectioun to our service, ar moved in regarde thairof and of his charge in
our service as High Constable of that our kingdom to admit and pro-
move him to be one of our Privie Counsell thairof; thairfor our pleasure
is and we doe hereby require yow that, having administered unto him
the oath accustomed in the like caises, yow adimit him to be one of your
number, for doing thairfor these presents sall be your warrant. Frome
our court at Yorke, the 28 of May, 1633."

"Forsameekle as the commissioners nominat for surveying of the his-
wyes betuix Stirling and Dumfermeline and making the same passable
for coaches and carts having tane some course and order in that mater,
and thair directiouns being satisfied throughout the saids hail bounds
except within the parish of Logie, the inhabitants whairfoes hes refused
and refusing in anie caise to contribute thair helpe in that most important
bussines, although it be weilknowne unto thame that the mainest defects
and greatest difficuiltes for passage within the saids hail bounds is
within that parish; and as that piece of service is like to be neglected

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1 He was the ninth Earl of Errol.
to his Majestye's offence and hazard of his whole tryne going that way; thairfoir the Lords of Secret Counsell ordains letters to be direct charging the haill parochiners of the said parish of Logie and constables within the same, and the shireff of the shiere and his depute, that they and all of thame concurring togidder contribute thair best helps, fordernence and assistance towards the repairing of all the defects of the commoun hie way within that parish and making of the same passable for coache and carts in dew tyme before his Majestye comming frome Stirligne to Dumfermeline under all highest pane, charge and offence that they by thair disobedience may incurre, to witt, by censuring and punishing of thame not onelie in thair persouns bot in thair goods and geir with all rigour and extremitie to the terrore of others."

Sedermen—Chancellor; Privy Seal; Erroll; Mairshell; Linlithgow; Perth; Roxburgh; Areskin; Naper; Melvill; Tracquair; Clerk Register; Master of Elphinstoun; Justice Clerk; Master of Requests; Sir Robert Douglas.

No coach with more than four horses to enter his Majestye’s court.

The gallowes at the east end of the Links of Edinburgh to be taken down. The gallowes at the east end of the Links of Edinburgh to be taken down.

The trumpeters to meet his Majestye on Leith Links. The gentlemen pensioners not to attend his Majestye on his entry.

Charge to Mr. John Hart to deliver to Adam, Bishop of Dumblane, two bibles and ten gilt bookeis unnoted for the use of his Majestye in the Chapel Royal.
his power to receive the same, to be keepe him as deane of the chappell for the use of the chappell, within sixe houres nixt after the said Mr. Johne beis charged thereto, as he will answer to his Majestie and the saide Lords upon his obedience, and under all highest pane, cryme and offence that he may committ againis his Majestie in that behalfe."

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

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

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

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

"Eodem die post meridiem, sederunt."

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

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

[No record of Sederunt.]

The whilk day the King's Majestie, with advice of the Lords of his Secret Counsell, hes thought meit and expedient, concluded and ordained that for his Majesties more statelye and orderlie entrie within the burg of Edinburgh the lords spirituall and temporall and others who by their charge and place owes attendance at that actioun shall convene and meit his Majestie upon the Long gait at one of the cloke in the afternoone where they shall be marshalled and ranked according to their dignitie and place and sail ryde and accompanie his Majestie at his entrie within the said burgh and conduct him to his palace of Halyrudhous in the maner and order following; to wit, the Marques of Hamilton as maister of the horses sail ryde a little behind his Majestie leading ane hors of state; the Erle of Erroll by his Majesties appointment sail receave from the Lord Chamberlane ane skethed sword whiche the said erle sail carie immediatlie before his Majestie and sail ryde upon the Chamberlane his right hand; nixt unto thatme, Lyoun King at Armes and suche of his brethrein as he sail make choise of; then the Isher before him; the Almoner and Master of Requests, nixt to thame the Lords Chancellor
and Thesaurar; then the twa archbishops; nixt to thame the erles and
vicounts; then the bishops and last the lords. And that the toun of
Edinburgh sall have a standing guaird upon either side of the streit,
whiche sall not budge nor remove fra the tyme of his Majesties entering
within the West Port till he pas furth of the liberties of the said toun;
and that the volly to be givin be the castell of Edinburgh sall begin and
be fullie delvered betuix the tyme of his Majesties entering upon the
Long gait and his coming to the place appointed for taking of his great
hors whereupon he is to make his entrie within the said toun."

Sedentunt—Chancellor; Privy Seal; Glasgow; Erroll; Linlithgow; Sederunt, Novem-
Iles; Melvill; Naper; Secretary; Justice Clerk; Master of ber, 1633.
Requests; Clerk of Register; Sir James Baillie.

[No record of business.]

Sedentunt—Chancellor; Treasurer; Privy Seal; Duke of Lennox
Bishop of Glasgow; Mar; Wintoun; Roxburgh; Annderdaill; Viscount
Stirline; Bishop of the Yles; Lord Areskine; Lord
Tracquair.

Richard, Earl of “The whilk day the Lords of Secret Counsell by his Majesties warrand
Portland, Lord and direction receaved and admitted Richard, Erle of Portland, Lord
High Treasurer of England, and other High Thesaurar of England; Thomas, Erle of Arrundell and Surrey,
Englishmen admitted Lord Mairshall of England; Phillip, Erle of Pemburgh and Montgomerie,
members of Lord Chamberlane of his Majesties houshold in England; William,
Council. Erle of Salisbury; James, Erle of Carll; Henrie, Erle of Holland;
William, Bishop of Londoun; Sir Harie Vaine, Comptroller of his
Majesties hous; and Sir John Cooke, principall Secretar to his Majestie
for the kingdom of England; to be of the Privie Counsell of this
kingdome and to bruike and injoy all honnours, dignitez, liberties and
priviledges proper and dew to that place; lykeas the saids noblemen
and others foresaids being personallie present and acknowledging with
all humble and dewtiful respect his Majesties gracious favour shawin
unto thame by preferring and promoving of thame to this place of
dignitie and honnour they with all dew reverence on their knees made
and gave the oath of alledgeance and the oath of a privie counsellor.”

Sedentunt:—Chancellor; Treasurer; Privy Seal; Duke of Lennox;
Marquis of Hamilton; Erroll; Mairshelf; Wintoun; Linlithgow;
Perth; Wigtoun; Roxburgh; Lauderdaill; Viscount Stirline;
Lord Lorne; Melvill; Naper; Justice Clerk.

1 In reconstituting the Privy Council in March, 1631, Charles had nominated only one
noble with an English title—James, Earl of
Carlisle, originally Lord Hay of Tala, a Scot by
birth. In Charles’s original Privy Council four
Englishmen had been members.
"The whilk day the Lords of Secret Counsell, by his Majesties warrant and direction, received and admitted Theophilus, Earl of Suffolk, to be one of the Privie Counsell of this kingdom and to bruike and enjoy all honours, dignities, liberties and privileges proper and due to that place; lykeas the said Earl being personallie present and acknowledging with all humble and dewtiful respect his Majesties gracious favour shawin unto him by preferring and promoting of him to that place of dignite and honoure, he with all dew reverence on his knees made and gave the oath of alledgeance and of a privie counsellor."

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

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

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

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

The Viscount of Ayr made Earl of Dumfreis.

Holyrood House, 1st July 1633.

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

Sederunt—Chancellor; Treasurer; St Andrewes; Privy Seal: Acta, June 1632-June 1634. Glasgow; Erroll; Mairshell; Linlithgow; Annerdaill; Lauder- daill; Tullibardin; Viscount of Belheavin; Lord Lorne; Lord Areskine; Naper; Secetary; Clerk Register; Justice Clerk.

The Lord High Chancellor to deliver their patents to persons who have been advanced in dignity.

Charge to William Drummond of Riccarton and Laurence Oliphant of Condie, between whom a feud has arisen, to appear before the Council.

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

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

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

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

"The quhilk day the Lord Chancellor produced ane patent makand constitutand Sir David Lindsay of Balcarres, Lord Lindsay of Balcarres, quhilk the said lord receave from the said Lord Chancellor with all due reverence on his knees.\(^1\) And siclyke the said Lord Chancellor produced another patent under the great seal makand the Lord Kinlos, Erle of Elgin,\(^2\) quhilk wes delveryed to the Lord High Thesaurar of this kigdomme in name of the said Erle. As aulsa he produced ane thrid patent makand Sir Robert Dowglas, Vicount of Belheaven,\(^3\) quhilk wes delveryed to the said Sir Robert, who being present, receave the same with all due reverence."

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

Sederunt—Chancellor; Treasurer; Privy Seal; Lauderdaill; Annerdaill; Dumfreis; Secretary; Clerk of Register.

"The whilk day the Lords of Secret Counsell, by warrand and directioun from the Kings Majestie, receave and admitted Johne, Erle of Kingorne, to be one of the Privy Counsell of this kigdomme and to bruike and injoy all honoures, digniteis, libertieis and priviledges proper and dew to that place, lykeas the said Erle of Kingorne, being personallie present and acknowledging with all humblle and dewfull respect his Majestie gracious favour shawin unto him by preferring and advancing of him to this place of honoure and dignite, he with all due reverence on his knees, his hand lying on the halie evangell, made and gave his soleme oath of alldegage and the oath of a privie counsellor."

Sederunt—Chancellor; Privy Seal; Bishop of Glasgow; Erroll; Mairasell; Wintoun; Perth; Kingorne; Tullibardin; Roxburgh; July 1633. Annerdaill; Dumfreis; Traquair; Belheaven; Bishop of Dumbblane; Bishop of the Yles; Lorne; Areskine; Melvill; Naper; Secretary; Clerk Register; Advocate; Justice Clerk.

"The whilk day Thomas Crombie of Kemnay, as shireff of Aberdein, Alexander McKeinzie of Culcowie, as shireff of Innernes, and Sir

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\(^1\) Of the first Lord Balcarres it has been said that "he chose a private life, without ambition, "was learned, had the best collection of books "in his time, and was" a laborious chymist."—Douglas, Peerage of Scotland, I., 167.

\(^2\) Thomas, third Lord Bruce of Kinloss.

\(^3\) Sir Robert Douglas of Spott had been page of honour and master of the horse to Henry, Prince of Wales. Subsequently he served as a gentleman of the bed-chamber to James VI. and Charles I. It is of Belhaven that Burnet tells the well-known story, illustrating the opposition of the Scottish nobility to the Act of Revocation.—Burnet, Hist. of his own Time, I., 20.
William Grahame of Claverhous, as shireff of Forfar, compeirand personallie before the Lords of Privie Counsell, accepted the office upon 1634.

thame and gave their oath for faithfull administratioun thatrof."

"The whilk day M' James Cockburne, provost of Hadintoun, was admitted shireff depute of Hadintoun and gave his oath according to his former gift grantit to him thatrof during his lyfetyme:—Forsamekkle as M' James Cockburne, shireff depute of the shirefdome of Hadintoun, hes exercised that office thir manie yeeres bygane, both for the good of his Majesteis service in that kynde and to the good lyking of all his Majesteis subjects whome it did concerne, and his Majesteis considering that in regard of his long practise in that service and sufficiencie otherwise, great prejudice would arise therein to his Majesteis service and to his Majesteis subjects if he wer removed; thairfor his Majesteis, with advice of the Lords of the Privie Counsell, hes made and constitute and be thir presents makes and constitute the said M' James Cockburne shireff depute of the said shirefdome of Hadintoun, and gives and committs unto him the office thatrof with all fees, dewartis, escheits, unlawes and forefeyt belonging thereto siclyke and with als great freedome and auctoritie as the said M' James or anie his predecessours in the said office hes or might have lawfullie done at anie tymes heretofore; shireff courts within the tolbuith of Hadintoun and others accustomed places and seates within the said shirefdome to sett, begin, affixe, affirme, hold and continew, sutes to make be callit, absents to amerchiat, unlawes, amerciaments and escheits of the saids courts to aske, lift and raise and for the same, if neid beis, to poynnd and distreinzie, and to proceed and minister justice in all and sindrie aciouns and causes proper and competent to the said shireff depute, and to give decreits and sentences thereupon, and to caus the same decreits and sentences receave executioun accordinglie; breves of our soveraine lords chancellorie of whatsoever nature direct and to be direct to the said shireff depute to receave, opin and caus be proclaimed, and accordinglie to be putt to executioun, assyses and witnesses als oft as neid beis, ilke person under the usuall and accustomed panes, to summound, warne, choose and caus be sworne, officers, serjants, dempsters and others members of court neidfull to make, create, substitute and ordaine, for whome the said shireff depute sall be haldin to anser; with power alsua to the said shireff depute to aske, crave, receave, intromett with and uplift his Majesteis blenche dewartis and entreis of free tennents within the bounds of the said shirefdome and, if neid beis, to poynnd and distreinzie thairfoir, and to make compt thairrof in the Exchecker; and to receave the mustours and weapounshawings of the inhabitants within the said shirefdome at suche tymes as sall be appointed thereto be his Majesteis lawes and proclamatiouns, and to punishe the absents accordinglie; alsua to raise and conveene the inhabitants within the said shirefdome at all tymes and occasioums neidfull for the forderance and advancement of his Majesteis
service and pursue of his Majestie rebellia, traitours and disobedient persons, and generallie all and sundrie others things to doe, exercce and use quhilk is proper and competent to the office of a shireff depuate and quhilk of law and consuetude of his realme ar knowne to perteane; firme and stable haldin and for to hald all and quhatsoever things sall be lawfullie done heerin; this commissioun for the space of ane yeere nixt after the dait heirof but revocation to indure."

"Forsameekle as it is understand to the Lords of Privie Counsell that there is some variance and controversie standing betuix William Drummond of Rickartoun, who hes the charge of the Laird of Keir his affaires during his absence furth of this kingdome, on the ane part, and Laurence Oliphant of Condie, on the anither part, anent ane peace of land questioned betuix them and quhilk either of thame hes tillled and saved and intends to sheare and lead, quhilk is like to produce farther inconvenient to the breake of his Majesties peace; quhairupon both the saids partieis being callit before the Lords of Privie Counsell and all that they had to propose and alledge in this mater being heard and considerit be thame, the saids Lords for the better observing of his Majestis peace betweene the saids partieis gives and grants full power and commissioun be thir presents to Sir George Asleck of Balmano, one of the senators of the Colledge of Justice, as ane neutrall and indifferent persoun to caus sheare and stowcke the said cornes and to leade and stacke the same upon the expences of the selfe in some neutrall and indifferent place there to remaine and to be made furthcummand, after tryell and cognizious to be tane who hes the best right thairto, to the person or persons having the right; discharging heirby both the saids partieis frome all medling or intromettering with the cornes or crop growing upon the said debateable peece ground, bot to suffer and permit the said Lord Balmano to caus sheare, stowcke, leade and stacke the same in maner foresaid as they and everie ane of thame will answer upon the contrarie at thair perrell."

"The quhilk day, in presence of the Lords of Secret Counsell, com- peird personallie Johne Murrey, sometime callit Laird of McGregour, Patrick Murrey alias McGregour, his brother, and Alaster Camroun of Glenneveis, and become actit and obleist conjunctie and severallie as cautioners and soueretis for Angus Camroun, tutor of Glenneveis, and Alaster Steuart alias McGregour, prisoneris within the Tolbuth of Perth upon occasione of ane slaughter committed in Lochaber, that they sall observe our soverane lords peace and keepe good rule and quyetnesse in the countrie, and sicelike that they sall compeir personallie before the Lords of Privie Counsell whenever they sall be lawfullie charged to underli their will and pleasure anent the said slaughter and peace of the countrie, either of thame under the pane of a thousand merkes in cause he faillie in ane point of the premises."

"The Lords of Secret Counsell gives and grants full power and com- Commission to

Caution by

John Murray,
sometime
called Laird of
McGregour,
Patrick Murray,
his brother,
and
Alaster
Cameron
of
Glenneveis
and
Alaster
Stewart
for
Angus
Cameron
and
Alaster
Stewart.

Commission to

Lord Lorne to
mission be thir presents to Archibald, Lord Lorne, to deale and travell for ane agrement and removall of the feud betuix the Laird and tutor of Glenneveis and the Clanlachlane in Lochaber."

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

"The Lords ordains the Commissioners for the Surrenders to attend upon Thursady nixt quhairof publict intimatiation wes made at the Counsellhous doore."

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

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

"Mr David Leitche his recommendation prorogat to the first of August, 1634."

"Forsameekle as the inhabitants of Orkney and Zetland, having by thair commissioners pettiouened the King's Majestie and the estaitis of this kingdome conveened in the lait parliament baldin at Edinburgh in the moneth of Junij last anent the great oppressioun and trouble whil thaim have underlyne and still underlyes by frequent letters of lawborrows andareiments used aganis thame be malicious persons, of whom some of themes one will raise letters aganis ane hundrith poore people, knowing thair poverty and inabilitie to come to Edinburgh, to find lawborrows and find cautiouin for lousing of areiments, sue that manie of thame ar upon this occasioun reduced to great poverty and forced to quith thair possessiouns; and anent letters and precepts of poynding whereby the partie thay having interesse ar obliged to bring the goods poynded to the mercat croches of Kirkwall and Skalloway and thair to use the order of comprywing, quhilk oftymes is impossible to be done in respect the whole countrie consists of ylands, and the weather is so tempestuous and unseasonable as there is no passage betuix the saids ylands; and, thirdlie,
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Anent acts of warding upon the shireffs decreits where the soumes ar small and the parteis not able to raise horning nor captioun thereupon: Qhillks three articles being heard and considderit be his Majestie and the saide three Estates, and they being carefull that the equitie, expediencie and conveniencie of the three articles abonewritten sould be tryed, they remitted and recommended the same to the Lords of Privie Counsell and gave power and commiission to thame to consider, advise and try the saide articles and everie ane of thame, and to decerne, statute and ordaine thereanent as they sould thinke expedient for the good and weale of the lieges. And his Majestie and his Estates foresaid ordained the decreits, statuts, ordinances and determinatiouns to be made, givin and pronounced be the saide Lords of Privie Counsell anent the articles abonewritten or anie of thame to have the strenth, force and effect of ane sentence and act of parliament, as the act and reference of the parliament made to the saids Lords of Privie Counsell more fullie reports. Qhillk reference being this day exhibite to the saide Lords of Privie Counsell and they having takin the same to thair consideration, and having at gret lenth reasouned, conferred and deliberat thereanent and anent the conveniencie and expediencie of the saide articles, and preferring the weale of the subjects to all privat respects of parteis interesse, the saide Lords of Privie Counsell, according to the warrand and power grantit to thame be act of parliament, as said is, hes statut, ordained and concluded, and be the tennour of this present act statuts, ordains and concludes that in all tyme coming when anie letters of lawborrowes or arrestment sall be raised be anie persoun or persouns aganis anie of the inhabitants of Orkney and Zetland that the letters beare in expresse and cleere words the cautiouen for the lawborrowes and for lousing of the arrestment to be made in the shireff court bookes of Orkney and Zetland and in no other place, books nor registers whalesomewer; and ordains his Majesteis Secretair, who was personellie present, to caus intimation to be made to the writters to the signet and keepers thairof that they write no letters of lawborrowes and arrestment aganis anie inhabitants of Orkney and Zetland but after the tennour, forme and substance abonewritten and no other wayes, as they will answer upon the contrare at thair perrell. And siclyke the saide Lords statuts and ordains that in all poyndings to be heerafter made within the bounds of Orkney and Zetland, the goods being apprised and offered upon the ground to the partic and the nixt Sabbath day at the parish kirk doore in lawfull tyme of day, that the comprysing and offer sua to be made sall be als lawfull as if the comprysings and offers were made at the heid burgh of the shire. And forder the saide Lords statuts and ordains that in small soumes not exceeding ane hundredth pundis that the acts of waridng upon the decreits of the shireff of Orkney and Zetland sall be direct conforme to the order used within burgh becaus suche small soumes may not beare the ordinar charges for horning and captioun.”
The whilk day, in presence of the Lords of Secret Counsell, compeiride personally the persouns underwrittin; they ar to say, George, Erle of Kinnoull, Lord High Chancellor of this kingdome; Thomas, Erle of Hadintoun, Lord Privie Seale; Patrik, Archbishop of Glasgow; George, Erle of Wintoun; Johne, Erle of Perth; Johne, Earl of Kingorne; William, Erle of Dumfreis; Johne, Erle of Traquair; Johne, Erle of Wemes; Archibald, Lord Naper; George, Lord Corstorphine; Johne, Bishop of Ros; Adame, Bishop of Dunblane; Andrew, Bishop of Argile; George, Bishop of Orkney; Sir Johne Hay, Clerk Register; Sir Thomas Hope, Advocate; Sir James Galloway, Master of Requesits; Sir Robert Spotswood of Newabbey, Sir John Charters of Amisfield, Sir William Douglas of Cavers; Johne McNacht, Archibald Tod, and Edward Edger, burgesses of Edinburgh; Mr Alexander Guthrie, town clerk there, and accepted upon thame the new Commission for the Surrenders and Teinds and gave their oath for faithfull discharge thairof. And the said Lords ordains missives to be direct to the rest who wer absent, they ar to say, William, Erle of Mortoun, Lord High Thessaurar; Johne, Archbishop of St. Andrews; William, Erle Mairshell; William, Erle of Stirline; David, Erle of Southeesk; Alexander, Bishop of Dunkelden; Johne, Bishop of Murray; David, Bishop of Brechin; Sir George Elphinstoun, Justice Clerk; Sir James Lokhart younger of Lee, Sir Robert Greir of Lag, Johne Boill of Kelburne, Sir Patrik Ogilvie of Inchemartine; Sir David Crichtoun of Lughtoun, Johne Sinclair, bailie of Edinburgh; Gabriel Cuninghame, burges of Glasgow; Robert Tailleour, burges of St. Andrews; William Meklejohn, burges of Bruntilland; and Mr Robert Cuninghame, burges of Kingorne; to compeir before the Counsell upon the xxv day of September nixt to accept the said comission upon thame and give their oath.

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

The whilk day, in presence of the Lords of Secret Counsell, compeiride personallie Sir James Galloway, Maister of Requesits, and protested that his ranking and the ordering of him in the new Commission for the Tithes after the Advocate and Justice Clerk sall not be prejudiciall to him anent his place and precedence dew to him in the right of his office; lykeas
Sir Thomas Hope of Craighall, knight baronnet, his Majesteis Advocat, protested in the contrare in respect of the precedence dew to his place as ane officer of estait be the space of twa hundred yeeres before the Maister of Requesite was ane officer of estait and of the tenour of the commission and sederunt of the last parliament directed be his Majestie, himselfe being personallie present."

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

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

"The quhilk day the Lord Chancelleur produced ane patent under the great sale, bearing dart at Halyrudhous the 24 of Junij last, makand Alexander Forbes of Pitaligo, Lord Forbes of Pitaligo; quhilk patent was delivred to Johne Forbes, sonne to Alexander Forbes of Boyndie."

Sedentur — Chancellor; Privy Seal; Glasgow; Mairshell; Wintoun: Holyroodhouse, 50th Perth; Annerdaill; Dumfries; Traquair; Bishop of Dumbline; July 1633. Melvill; Naper; Secretary; Clerk Register; Advocate.

"Forsameekle as it is understand to the Lords of Secret Counsell that upon the fourt day of July, 1629, about twelffe of the clocke at night there was a suddane and fearefull fire raised upon the foure corners of M' David Leitch, minister at Dundrennan, his hous, and the fire upon a suddane become so fearefull as the said M' David his wife, young childrein and familie, who wer all sleeping in their beds, with verie great difficultie escaped in their sarkeis, and on a suddane the hous and all that wes within it wes burnt in ashes, to the utter wracke and undoing of the said M' David, who is ane learned and famous man in his calling and of good report among his brethrein, and who formerlie had sufficient means of his awne and wes verie charitable in relieving the necessiteis of others. And in the discoverie of this reasonable fact, whairof thair is manie pregnant presumtions that it was not accidentall but done be the hand of man, the said M' David hes beene verie solist and diligent thir diverse yeeres bygane and in the prosecutioun of that discoverie hes bestowed all that he could procure by his credite, whereaenent the said M' David, having petitioned the Kings Majestie at his late being in this kingdome, his Majestie wes graciously pleased to recommend the said M' David to the saides Lords of Privie Counsell that by thair generall recommendatioun to the whole kingdome the said M' David his distresses and losses might be supplued; and thairfoir the saids Lords hes recommendit, and be the tenour heirof recommends the said M' David to the favourable and charitable consideratioun of all and sindrie archbishops.
and bishops, noblemen, barons and gentlemen, provests and bailleis within burgh, presbyteries and sessions of kirkis and others his Majestie's subjects, als weill to burgh as land, requesitng thame and everie ane of thame to extend suche proportion of thair benevolence and charitie for the releefe of his distressed estait as they sall thinke fittng, and to delyver the same to whome the saids Lords hes intrusted, with the collection of the said contributioun to the behove of the said Mr. David within the presbyterie of , and that everie ane of the saids archbishops and bishops give order and direction to the ministers within thair severall diocesis to caus intimat and read this recommendation at thair parish kirkis to thair parochiners upon a Sunday before noone in tyme of sermoun and prayers, and to stirre up the people to extend thair benevolence and charitie to the said Mr. David. This recommendation till the first day of August jn' v'y threttie foure yeeres to indure."

"Forsameekle as one of his Majestie's camels being committed to the custodie and keeping of unquhill Robert Grahame, now deceased, the same camele by ane reference upon a petitioun presented to his Majestie by Edward Grahame, brother to the said Robert, was appointed and committed to the custodie of the said Edward, who by ane assignation souserved with his hand and under his seale of the dait the 17th day of May, 1633, hes made and constitute John Grahame, gentleman of his Majestie Guarde, his deputie to take into his custodie the keeping of the foresaid camele wheresover and in whos custodie the same can or may be found, as in the assignatioun made to him for this effect at lenth is contenteit. According whereunto the said John Grahame hes now gottin fra David Johnstoun, sometyme servitor to Richard Grahame, the camele foresaid and hes the same in his keeping; and thairfor the Lords of Secret Counsell hes givin and grantit and be the tennour heir of gives and grants thair warrand to the said John Grahame and such as he sall nominat and appoint to care the said camele throughout this kingdome and to show the same to the people in suche forme as they sall thinke fitt by towcke of drum or sound of trumpet from tyme to tyme without trouble or latt to be made unto thame, they behaving thamesellfis modestie and honestie according to the laws of this kingdome and forbearing to make show of the said camele upon the Sabbeth day or in the tyme of divine service; this warrand for the space of halfe a yeere after the dait heerof to indure."

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

"The quhilk day the Lord Chancellor produced and delyvered the Erle of Quenisberreis patent to George Deanes, his servitour; and the Lord Frasers patent to John Baird, wriitter to the signet."

"The Lords prorogate Captene Colens protectioun till Mertimes nixt."
1633. CHARLES I. 127

Sedereunt:—Chancellor; Privy Seal; Glasgow; Mar; Wintoun; Holyrood House, 31st July 1633. Secretary; Clerk Register; Advocate.

"Forsameekle as the commissioun of shireffship grantit to James Alexander Dumbar of Bogis within the bounds of Elgine and Forres is expired upon the first day of August approacheing, and the Lords of Secreit Counsell understanding the good and worthie dispositioun of Alexander Dumbar of Grange toward the forderance and advance of his Majesteis service and that he will behave himselfe with that respect whilk becomes ane shireff within the bounds foresaidis, thairfoir the saids Lords hes made and constite and be the tennour heirof makes and constituts the said Alexander Dumbar of Grange shireff principall within the saids bounds of Elgine and Forres, and gives and grants unto him the office thairof with all fees, dewteis, escheits, unlawes and forfeyts belonging thereto, siclyke and with als great fredome and autoritie as anie of his predecessours in the said office hes or might have lawfullie done at anie tyme heirtore, shireff courts within the burrowes of Elgine and Forres and others accustomed places and seates within the said shireffdome to sett, begin, affixe, affirme, hold and continew; sutes to make be callit, absents to amerchiat, unlawes, amerchiaments and escheits of the saids courts to sake, lift and raise, and for the same, if neid beis, to poynd and distreinyie, and to proceed and minister justice in all and sindrie actiouns and causes criminall and civill proper and competent to the said shireff, and to give decreits and sentences thereupon, and to caus the same decreits and sentences receave executioun accordingly; breeves of our soverane lords chancellarie of whatseomever nature direct and to be direct to the said shireff to receave, opin and caus be proclaimed, and accordingly be put to executioun; assyses and witnesses als oft as neid beis, ilk ane of thame under the usuall and accustomed panes, to summound, warne, choose and caus be sworne; deputis under him in the said office with officiaris, serjants, dempsters and others members of court neidfull to make, create, substitute and ordaine, for whome the said shireff saill be haldin to answer; with power alsua to the said shireff to sake, crave, receave, intrommet with and uplift his Majesteis blenshe dewteis, castell wairds and other entreises of free tennents within the bounds of the said shirefdome, and if neid beis to poynd and distreinyie thairfoir, and compt thairof in his Majesteis exchecker to make; and to receave the mustours and weapounshawings of the inhabitants within the said shirefdome at suche tymes and places as saill be appointed be his Majesteis lawes and proclamiouns, and to unlaw and punishe the absents accordingly; and to raise and convene the inhabitants within the said shirefdome at all tymes and occasiouns neidfull for the forder-

1 This is given in the Sederunts as a post meridiem meeting.
ance and advancement of his Majestie's service and persue of his Majestie's rebels, traitours and disobedient persons; and generally all and sundrie others things to doe, exercize and use quhilks ar proper and competent to the office of a shrieff, and quhilks of law and consuetude of this realm be knowne to perteane: Firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin: And ordaines letters to be direct charging officers of armes to pas to the mercat croces of Elgin and Forres and others places neidfull, quhair-throw ne then pretend ignorance of the same, and to command and charge all and sundrie his Majestie's lieges and subjects to reverence, acknowledge and obey, rise, concurre, forfifie and assist the said shrieff and his deputies in all and everie thing tending to the execution of this commission and to doe nor attempt nothing to the hinder nor prejudice thairof, as they and everie ane of thame will answere upon the contrare at their highest charge and perrell. This commission for the space of ane yeere nixt after the dait heirof but revocationi to induere."

"The whilk day Mr James Ferquharsoun, writter to his Majestie's signet, compeirand personallie before the Lords of Privie Counsell untooke to make payment to John Toshoche, prisoner in the tolbuith of Edinburgh, of his allowance untill the first day of August approacheing."

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

[No record of business.]

Post meridiem.

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

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

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

"The Lords of Secret Counsell having heard and considerit the desire of the justice deputis tucheing the Counsellis advice to be givin unto thame anent the doome and sentence to be pronounced aganis John Meldrum of Ridhill, who is convict and found guiltie of airt and part of the burning of the towre of Fendraught and foreknowledge of the same, and having lykewise seene and considerit the power granitit to thame by the commission of Counsell for assisting the Justice by thair advice and counsell in maters of difficultie, the saids Lords advises the Justice
deputis presentlie to proceed to the sentencing of the said "ohne Meldrum and to pronounce doome aganis him, ordaining him to be hanged to the death at the mercat croce of Edinburgh and thereafter his head to be cutt aff and suche others his members as the justice deputis sall thinke fitt, and to caus affixe and putt up the same in suche publict places of the kingdome as they sall thinke expedient and to continew the executioun of the said doome and sentence untill Tuesday in the afternoone."

"The Lords of Secret Counsell nominats and appoints and therewithall ordains and commands the Bishops of Dumblane and Rosse, Mr Harie Rollock, Mr David Mitchell and Mr Thomas Syderse fus to resort and repaire to Johne Meldrum, prisoner in the tolbuith of Edinburgh, and to enter in conference with him and to use thair best travellis and endeavours for bringing of the said Johne to a confession of the truthe of that foule cryme whereof he is convict, and discharge the saylour of the tolbuith, his servantes, and all others quhatsomerewit be present at the said conference, requiring the said Bishop of Dumblane to take the faithfull promise of the rest of his brethren not to reveale what the said Johne sall delver unto thame."

"The whilke day the Lords of Secret Counsell, considering that Johne Meldrum of Ridhill being convict of airt and part of the burning of the towre of Fendracht, for the whiche sentence and doome of death is pronounced aganis him, may notwithstanding of his present obstinacie and denyall of his guiltines of that cryme by the travellis of the ministirs be brought to the acknowledgement of the truthe, in whiche caise or if otherways he sall make it appeare that others hes beene actors in the deid, and sall accordinglie reveale and detect thame, the Lords of Secret Counsell ordains and commands the provest and bailleis of Edinburgh to continew the executioun of the said sentence of death untill they receave new order concerning the same and upon a warrand to be direct unto thame subservyd by anie one counsellor, to whom the Lords gives power to subservye the said warrand of continuation, the same being always craved be the ladeis and others parteis interested."

Sedurunt—Privy Seal; Wintoun; Perth; Wigtoun; Galloway; Holyrood House, 25th September 1653.

Sir James Baillie.

"Forsameekle as the disordoured and brokin clannes in the Hielands being by force of auctoritie and carefull executioun of the lawes reduced to obedience and the peaceable and good subjects in the incountre saffled and in a full suretie of thair persons and goods, thir disordered lymmars being now weared of this long and happie peace and resooming thair formar unhappie course of lyfe upon hope of impunitie they have begun to breake lose and not onelie to make privy stouthes but opin heirships and others insolencesis upon his Majestis good subjects, to the great
disgrace of his Majesteis governement; for repressing and preventing Acta, June
of the forder growth of whose disorders ther is be his Majesteis speciall 1632–June
command and directioun a meeting of the speciall noblemen, barons and
gentlemen in the countries nixt adjacent to the Hielands appointed to be heere at Halyrudhous upon the day of November now approache-
ing with his Majesteis Counsell upon some substantious and solide course
how thir brokin lymmars may be totally and fullie supprest and the
countrie fred frome forder trouble of thame. And to the intent that in
this meane tymne and till the generall course be substantiousie setched
and concluded the subjects may in some measure repose in suretie under
his Majesteis protection, the Kings Majestie, with advice of the Lords
of his Secreit Counsell, hes givin and grantit and be the tennour heirof
gives and grants full power and commiission to suche of the Lords of
his Privy Counsell as sall be present in the countrie foresaid for the
tyme and all shireffs, stewarts and others under officers and to all others
his Majesteis good subjects to pas, searche, seeke and take all criminall
rebellis in the Hielands and others disorderlie persons, sorners and
oppressours who darre presomme to committ anie disorder upon anie of
his Majesteis good subjects, wherover they may be apprehended, and to
bring and present thame to his Majesteis Justice to underly their deserved
punishment. And if anie of the saids disordered persons sall fall or come in the hands of anie of his Majesteis Counsell or in the hands and
power of anie of the shireffs and stewarts, with power to thame to pro-
ceed and minister justice upon thame conforme to the laws of this
kigndome; for qublick purpose his Majestie with advice forsaid hes made
and constitute and be the tennour heirof makes and constitute the saids
Lords of his Majesteis Privy Counsell, shireffs and stewarts, in whiohs
hands the saids disordered lymmars or anie of thame sall fall, our souerane
lords justices in that part, with power to thame or suche of thame, as said
is, justice courts at whatsoever places convenient to sett, begin, affixe,
hold and continew, sutes to make be callit, absentes to amerciat, unlawes,
amerciantems and escheats of the saids courts to aske, lift and raise, and
for the same, if neid beis, to poind and distreynie, and in the same
courts the saids disordered persons to call, be ditty to accuse and thame to
the knowledge of ane assaise to putt, and as they sall happen to be found
culpable or innocent to caus justice be ministrat upon thame conforme to the lawes of this realme, assys neidfull for this effect, ilke person under
the pane of fourtie pounds, to summound, warne, choose and caus be
sworne, clerkes, serjants, dempesters and others officers and members of
court neidfull to make, creat, substitute and ordaine, for whom they sall
be haldin to answere; and if it sall happen the saids disordered persons
or anie of thame for esehwing of apprehensioun to flee to streaths and
houses, with power to the saids commissioner and justices or any of
thame to follow and persw thame and to make opin doores and use his
Majesteis keyes; and all others things necessar and lawfull to doe and
use quhilkis in suche caises ar usuall and accustomed; and that letters be direct to make publicatioun heirof be opin proclamatioun at all places neifull, and to command and charge all his Majestis lieges and subjects that they and everie ane of thame upon knowledge and notice to be givin to thame of the disorders of thir lymmars, rise, concurre, fortifie and assist the saids justices and commissioners, conjunctlie and severallie, in all things tending to the execution of this commission, as they and everie ane of thame will answere upon the contrare at their highest perrell."

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presentit to the saids Lords and read in thair audience, of the whilk the tennour followes:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellours, right trustie and weilbelovit counsellers, and trustie and weilbelovit, we greet yow well. Whereas we wer humbelie pettiouned at our being there by a number of the nobilitie and gentrie of that our kingdome that some course might be takein for repressing the insolences and thieftis of certane disorderlie persons in diverse parts thairof, we intende than to have heard the mater debated before ws in Counsell there that by your advices some good course concerning it might have been established, yitt in regard of the shortnesse of our stay and multiplictie of our effaires it tooke not than effect. Bot considering how muche in justice it doeth concernes ws to represse all oppression and in honnour to maintaine the peace and rights of our good subjects and with all that the speedines of the remedie may prevent the effects which by delay may prove otherways more prejudicial to the petitioners and disgracefull to the government there, we have thought good to send yow hearewith the inclosed petitioun, and it is our speciall pleasure that, having considerit thairof and callit for suche of the petitioners as yow sall thinke expedient for receaving their more ample information in the particulars, yow take suche present order as they may be fred of all just feares in tyme coming, the offenders be severelie punished for what is past by all possible meane, and the peace of the countrye established; wherein expecting ane exact accomplt of your speedit endeavours, as yow will be answerable unto ws, we bid yow farewell. Frome our Court at Greenewich, the last of July, 1633. Quhilk missive being heard and considerit be the saids Lords, and they advised therewith, they ordaine letters to be direct to the noblemen and gentlemen who hes subscriyed the petitioun mentioned in his Majestis letter to be heere at Halyrudhouse upon the day of November nixt to give their advice to the Counsell anent the most effectuall meaneis for repressing the disorders in the Hielands.

"Followes the tennour of the missive writtin to the noblemen:—After Letter of Council to the our verie heartilie commendatious to your good lordship.
had petitioned his Majesty regarding the renewed lawlessness in the Highlands, summoning them to meet the Council on an appointed day.

information made to the King's Majestie that some of the disordered clans and lawless lyimmers in the Hiellands were begining to renew their former accustomed theevish trade of thift, sorning and oppressing his Majestis good subjects in the incountrie, his Majestie hes beene pleased to recomend uppto his Counsell the tymous and speedie redresse and curbing of thir disorders and preventing of the forder growth of thame be the advice of the noblemen, barons and speciall gentlemen in the bounds nixt adjacent; lykewise in the obedience of his Majestis royall direction there is a meeting appointed to be heir at Halyrudhous for that effect upon the day of November nixtocomes; at the qubilk meeting seing your lordships presence and good advice is requisite, these ar thairfor to request your good lordship to keeps the same precieisle. Qubilk looking assurede your lordship will doe, we commit your lordship to God. Frome Halyrudhous, the xxvij day of September, 1633."

"The whilk day Sir David Crichtoun of Lugtoun, as Shireff of Edinburgh, Sir Samuel Johnstoun of Elphinstoun, as Shireff of Hadintoun, James Cockeburne of Ryalas, as Shireff of Berwick, Dundas younger of that Iike, as Shireff of Linlithgow, Sir Robert Greir of Lag, as Shireff of Dumfreis, Sir Andro Rollock of Duncrub, as Shireff of Perth, Sir William Baillie of Lamington, as Shireff of Lanerk, and Robert Maxuell of Dinwiddie, as Stewart of Annerdaill, comeirand personallie before the Lords of Privie Counsell accepted the office of shireffship within the bounds respective abonewrittin upon thame and gave their oath for faiffull discharge of the same."

"The Lords of Secret Counsell considering the necessar absence of Sir William Cuningham of Caprintoun, who is now nominat to be Shireff of Air, Walter McAwlay of Ardincaple, who is nominat to be Shireff of Dumbartane, Alexander Dumbar of Grange, who is nominat to be Shireff of Murrey, and Mathew Wallace of Aucans, who is nominat to be Baillie of Kylesteuart, for the yeere to come, and that they could not convenientlie compeir before the saids Lords this present day to accept the office upon thame and give their oath, thairfor the saids Lords hes givin and granit, and be the tennour heirof gives and grants full power to Patrik, Archbishop of Glasgow, to take the oaths of the said Sir William Cuninghame and Mathew Wallace, and to the said Archbishop or Archibald, Lord Lorne, to take the oath of the said laird of Ardincaple, and to James, Erle of Murrey, and Johne, Bishop of Murrey, or either of thame, to take the saids Laird of Grange thair oaths for the faiffull discharge of the office of shireffship within the bounds respective foresaidis, and to make ane formall report thairof in writt to the saids Lords to the effect the same may be insert and registrat in the Bookes of Privie Counsell; whereanent the extract of this act sall be to thame ane warrand."

† "Laird" is scored through and "Shireffs" written above.
1633. CHARLES I.

"The whilk day David, Bishop of Brechin, Sir Patrik Ogilvie of Inchemartine, Sir David Crichtoun of Lughton, John Boill of Kelburne, and William Meklejohn, burges of Bruntland, compeired personally before the Lords of Privie Counsell and accepted the commission for the Surrenders and Teinds upon thame, and gave their oath for their faithfull discharge of the same."

"Forsamekle as there is no allowance nor fees modified and sett down for the service of the clerkes of Privie Counsell to be payed unto thame be suche gentlemen and others who are promoted to the dignitie of knights at the creatioun of noblemen; and the Lords of Privie Counsell understanding that others his Majestis officers and servante have their fees modified and accordingly payed unto thame be the saids knights; and the saids Lords considering the actual service that the saids clerkes of Privie Counsell doe performe at the making of the saids knights and in forming and wrytting the acts of their creatioun and registrating of the same; thairfor the saids Lords hes modified and sett down and accordingly decernis and ordains all suche knights as wer made at the creatioun of noblemen the tyme of his Majestis late being in this kirdome or sall hereafter be made at the creatioun of anie noblemen to make payment to the saids clerkes of Privie Counsell of the soume of foure pundis as for the fees and allowance now modified and sett down to be payed be everie one of the saids knights to the saids clerkes for thair service the tyme foresaid; and ordains letters to be direct heir-upon if neid beis in forme as efeiris."

"The whilk day in presence of the Lords of Secret Counsell compeired personally Mr. Alexander Guthrie, toun clerk of Edinburgh, and gave in the report underwrittin anent the surveying of the water of Forth, of the quhilk the tennour followes:—The 3 and 4 of September, 1633, the water of Forth being surveyed be James Stevinsone in Pittin—weme and Androw Law in Anstruther and Alexander Ezat in Culros; to witt, the tryell of dangers and shalnese of the water the last day and the first day of the stremme and tenth and ellevint dayes of the moone being the deadest tyme of the stremme at low water; to witt, at the Powmouth of Alloway right over and over whill yee come to the Insche of Alloway is nyne foot or thabre and halfe ane cabill lenth of breadth nearest to the north side; and the south side of the channel will be about foure foote; and at the Powis entrie there is chingill baillast ane penney stone cast and more lying there, and as for the baillast that is cassin wee see the parts where it hes been cassin bot sees none of it be reasoun the tyde careis it all into the river; there wes fyve Fleennings there, bot saw no part where their baillast wes lying. And betuix the Insche and Elphinston crooves there is bot foure foote deepe at low water and fyve foot deepe of water on the north side at low water; and a little beneath Elphinston crooves at ane houres floode sevin foote water and twa part to Johpe Yairs nuike there is aucth foote, nyne foote, ten
foots, ellevin foot, twelwe foot whill yee come to the nuike. From Johne Aet, June 1632-June 1634. Fol. 246, b.
Yairs nuike to Hegenis nuike at two houres flood in the channell there is nyne foote depee and so narrow that there is no turning be reasoun there is ane banke of sand meekle of ane myle of lenth that is scene all up at laich water in ane stremme tyde; and be our judgement it is the ballast castin in the river that hes the wyte of it. As for exemple we coming down at this tyme of the flood we fand ane Fleeming sticking fast upon the banke, and had beene casting her ballast at that same place, whois name of the skipper is Caismais of Roterdame.

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

The disorder in the Highlands. Protection to William Bannatyne of Corhous. A Scotch ship seized by the Low Countries.

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

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

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

Sederuntes, November 1632-January 1633. Fol. 110, b.

Holyrood House, 26th September 1633.

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

"Forsameekle as M' Robert Burnet of Cringiltie, on the ane part, and the provest and bailleis of Peebles, on the other part, pretending right and title either of thame to a part of the lands of Hameldonhill lying within the shirefdom of Peebles they have both sawin the saids lands this present yeere, and for mainteening of their pretendit possessionn they both intend with the concurrence of their freinds and suche as will doe for thame to sheare and lead the cornes growing upon the saids lands, whereupon great inconveinences ar like to fall out to the breaking of his Majesteis peace and disquyettin of the countrie without remeidd be provydit; thairfor the Lords of Secretit Counsell hes nominat and appointed and be the tennour heirof nominats and appointes the Shireoff of Peebles and his deput, or anie of thame, as neutrall and indifferent
persons to caus sheare the cornes growing upon the portioun of land foresaid this present yeere, and to caus leade and stacke the same upon the expences of the selfe in some neutrall barnyaird there to stand unintrommeted with be anie of the saids parteis ay and whill it be decyed be order of law before the judge competent to whome the same apperteaneis. And ordains letters to be direct to command, charge and inhibit both the saids parteis that none of thame presomme nor take upon hand to meddle or intromett with the saids cornes or anie part thairof, bot to suffer and permit the said shireff and his deputs to sheare, collect, leade and stacke the saids cornes in maner foresaid as they and everie ane of thame will anawere upon the contrarre at thair perrell and under the pane to be callit, persewedd and punished as disturbers of the publict peace with all rigour.”

Sederrunt—Privy Seal; Perth; Annerdaill; Lauderdaleil; Southeak; Melvill; Naper; Advocate; Sir James Baillie.

“Forsameekle as for removing of all troubles and inconveniences that may fall out amongs his Majesteis subjects this present yeere anent the leading of teinds and for cleering of all doubts and misconceptions that may be conceaved ather anent his Majesteis resoluyion or anie acts formerlie made concerning the teinds, the Lords of Secret Counsell hes heirby thought meit to signifie and declare and with that gives warrand and power to all and sindrie heretours and lyverenters who led thair teinds be warrand this last yeere bygane, and whois teinds are valued and approvin, and suche as have beene in use and possessiou of leading thir diverse yeeres bygane, to leade the saids teinds this present yeere, they first finding cautioin and souertie actit in the bookes of Secret Counsell for tymous and thankfulfull payment to the titulars of thair teinds of the valued teind rent according to the valuatioun made and to be made and approvin of the same; discharging heirby al otheris his Majesteis lieges and subjects that none of thame presomme nor take upon hand to leade anie teinds this present yeere, except suche persons as hes beene in use and possessiou of leading of thair teinds thir diverse yeeres bygane and suche as hes beene warranted be the Commissioners for the Teinds to doe the same. And ordains letters to be direct to make publicationn heirof be opin proclamiation at the mercat crose of Edinburgh and other places neidfull quhairthrow none pretend ignorance of the same.”

“Forsameekle as one of the cheefe causes qhilliks procure the con-
tempt of the law and not executioun of justice to his Majesteis distress
subjects through all the shires of this kinglydome proceds from the
undetwifull refusall of his Majesteis subjects to concurre with his
Majesteis shireffs and others offices in the executioun of his Majesteis
lawes and of these points of dweitie proper to thair charge and office,
quhairthrow the number of rebellis universallie increases, stouths, thifts, and others insolenceis hes a daylie course and progresse, and his Majestis subjects ar frustrat and disappointed of that confort and releefe quhilk the ordinar magistrates sould minister unto thame, to the high contempt of the law and misregarde of his Majestis auctoritie; for remeid whairof the Lords of Secret Counsel ordains letters to be direct to command and charge all and sindrie his Majestis lieges and subjects throughout the several shirefdoms of this kingdome that they and everie ane of thame rise, concurre, fortifie and assist his Majestis shireffs and their deputis, everie ane within thair awne bounds, in all and everie thing concerning the execution of thair office and charge, under all highest pane, charge, cryme and offence that they and everie ane of thame may committ againis his Majestie and under the pane to be callit, persewed and punished for thair contempt and disobedience with all rigour to the exemple of others."

[In the Sederunt here Galloway is added.]

"The quhilk day William Smith, cordonner burges of Edinburgh, became cautioneer for William Young in Dalkeith for the indemnirie of Mr Nicoll Bannatyne under the pane of 500l."

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

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

Holyrood House, 5th November 1633.

Proclamation anent the meetings of the Privy Council, the Court of Exchequer, and the Commission for Surrenders.

"Forsameekle as the Kings Majestie for diverse good considerations tending to the good and advancement of his Majestis service hes thought meit and expedient and givin order and directioun that the sessionis of his Majestis Counsell, Exchequer and Commission for the Surrenders and Teinds sall at all tymes hereafter be kepeed within the burgh of Edinburgh; lykeas the Lords of Secret Counsell hes appointed and ordained that the ordinair meetings of his Majestis Counsell, Exchecker and Commission sall be upon the ordinary dayes at one of the clockes in the afternoone and sall sitt till foure of the clocke at night and no longer; thairfowr ordains ane maiser of Counsell to pas to the mercat croce of Edinburgh and there be opin proclamatioun to make publicatioun heirof, whairthrow nane pretend ignorance of the same. Followes his Majesties missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and weilbelovit cousin and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit
counsellors, we greet you well. Whereas we have writtin to our town of Edinburgh for causing raze with diligence the east wall within the church of Sanct Geeles and the west wall therein between this and Lambmesse ensuwing to the end that those wallis being removed the decency of the order and largeness of the fabrick may appeare and be made usefull as the cathedral church of the bishoprick of Edinburgh, to which purpose we have designed the same; and whereas we have signified our pleasure unto thame for finishing the new tolbuith between this and Lambmesse, in both which they will be at charges especially in building that house for our service; thairfor and for thair better encouragement and enabling to the like good and publick workes, we have heereby thought fitt speciallie to recommend unto yow to further thame therein in what yow can lawfullie and convenientlie doe, and to see the said easter wall razed with all diligence and the other betwix this and the tyme designed. And our further pleasure is that now and at all tymes hereafter yow caus the sessions of our Counsell, Exchecker and Commission for Surrenders to be keped within that toune, which we for thair good and advancement of our service have resolved to have done; for your so doing these presents sall be your sufficient warrand. From our Court at Whitehall, the 11 day of October, 1633."

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

Sederunt — Chancellor; Privy Seal; Marquis of Hamilton; Edinburgh, 7th November 1633.
Murray; Wintoun; Perth; Annerdaill; Launderdaill; Clerk 1633.
Register; Advocate.

"The Lords of Secret Counsell, according to ane warrand and diretioon in writt signid be the Kings Majestie and directed to the saids Lords and this day presented unto thame and read in thair audience, receaved and admitted Thomas, Lord Binning, to be one of the Privie Counsell of this kindgome and to bruike and injoy all honnours, digniteis, liberteis and privilidges proper and dew to that place; lykeas the said Lord Binning being personallie present and acknowledging with all
humble and dewtifull respect his Majesteis gracious favour shawin unto him by preferring and promoving of him to that place of dignitie and honnour, he with all dew reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majesteis missive for warrand of the act abone-writtin:—CHARLES R. Right trusty and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow well. Understanding perfytelie the sufficiencie of our right trustie and weilbelovit the Lord Binning and of his affectioun to our service, we ar moved in regarde thatirof, and for his further encouragement and enabling for our service, to advance and promove him to be one of our Privie Counsell of that our kingdome. Our pleasure is and we do heirby require yow that having administred unto him the oath accustomed in the like caises yow admitt him to be one of our Counsell, receiveing him in that place as one of your nomber, for doing thatirof these sal be sufficient warrand. Frome our Court at Whitehall we bid yow farewell, the first day of November, 1633."

"The Lords of Secreit Counsell, according to ane warrand and direccioun in writ signed by the Kings Majeste and this day presented unto thame and read in their audience, ordains and commands Sir Johne Hay of Lands, knight, Clerk of his Majesteis Registers, to fill up the blanke in the commissioun of the lawes in maner following: to witt, that the nomber of sevin sal make a sessionoun and that the Lord High Chancellor, the Erles of Morthoun and Traquaer and the President of the Sessionoun for the tyme be of the quorum, and that they all or one of thame be aways present; and the tyme of endureance of the said commissioun to be betuix and Witsonday, 1635 yeeres, and to be prorogat during his Majesteis pleasure; anent the filling of the qubits blankes in the commissioun foresaid the extract of this act sal be unto the said Clerk of Register a sufficient warrand. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow well. Whereas it is expedient that the blankes in the commissioun of the lawes toucheing the number of persons to make a sessionoun, the quorum, the tyme of indurance and prorogatioun be filled up; it is our pleasure that seven make a sessionoun, that our Chancellor, the Erles of Morton and Traquare and President of the Sessionoun for the tyme be of the quorum, and that they all or one of thame be aways present, the tyme of endureance of the said commissioun to be betweene this and Witsonday, 1635 yeeres, and to be prorogated during our pleasure. To whiche purpose we require yow to give warrand to our Clerk of Register by ane act of our Privie Counsell for filling up of our said commissioun.
accordingly, for whiche these presents sall be your warrand. So we
bid yow farewell. Frome our Court at Whitehall, the 11 day of October,
1633."

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

Sederunt—Chancellor; Privy Seal; Wintoun; Perth; Anner-
daill; Lauderdaill; Traquair; Bishop of Dunkeld; Binning;
Secretary; Clerk Register; Advocate; Sir James Baillie.

"The whilk day George, Erle of Kinnoull, Lord High Chancellour of this
kingdome, reported and declared to the Lords of his Majesties Privie
Counsell and Exchecker that he had latelie receaved ane letter directed
from his Majestie to him conteaining a declaration of his Majesties
royall will and pleasure aganis William, Erle of Airth, for some
treasnable speeches spokin by him and the fault committed by him in
his service to the erleome of Strathern as in the said letter at lenth
is conteanit; whiche the said Lord Chancellour exhibite before the saids
Lords and declared that accordinglie he had writtin for the said Erle
to come and heare his Majesties will and pleasure intimat to him.
Quhereupon the said Erle having made his addresse to this burgh and
compeirand this day before the saids Lords of his Majesties Counsell
and Exchecker and the letter foresaid sent from his Majestie to the said
Lord.Chancellour being at lenth read and intimat unto him, the said
Erle with all dew reverence acquiesced unto his Majesties royall
will and pleasure, and offered him readie and willing to make ane full
and actuell surrender in the hands of the Lords of his Majestis Privie
Counsell and Exchecker, as in his Majestis hands, of the places, charges
and offices whiche formerlie he had in the state of Presidentship in the
Counsell, Justice Generall and place in Sessioun, with all the honnors,
fees, priviledges and immunitews dew to him be vertew thatrof, to be
disposed of as his Majestie sall be pleased to appoint, toگidder with the
pension allowed to be payed to him out of the Exchecker; lykeas the
said Erle compeired and personallie before the saids Lords of Privie
Counsell, as said is, resigned and surrendered, lykeas be the tennour of
this present act he resignes and surrenders in the hands of the saids
Lords of Privie Counsell, as in his Majestis hands, the offices par-
ticularlie underwrittin; to witt, of presidentship of his Majestis Counsell,
Justice Generall and place in Sessioun, with all gifts, letters,
patents and warrands grantit to him for injoying of the same places,
with all honnours, digniteis, fees, priviledges and immunitews what-
soever hev dew to him be vertew of the same, to be disposed of as his
Majestie sall be pleased to appoint. And for the mair securitie the
said Erle in presence of the saids Lords subscribwyed the dimissioun and surrender underwritten and consented that the same sould be insert and registrat in the bookes of Privie Counsell and Exchecker ad futuram rei memoriam, upon the subscribwyng of the whiche dimissioun and surrender the said Lord Chancellor asked instruments. And the saids Lords of Privie Counsell ordains the said dimissioun and surrender with the letter foresaid sent to the Lord Chancellor to be insert and registrat in the bookes of Privie Counsell and Exchequer ad futuram rei memoriam; of the whilk dimissioun and surrender the tennour followes:

—Be it kende till all men be thir present letters, me, Williame, Erle of Airth, forsameekle as it hes pleased his sacred Majestie by his Hienes letter direct to my Lord Chancellor of the dait the nynt of October last to declare that whereas his Majestie upon the commissioun for tryell of some treasonable speeches spokin by me hes found sufficient proffes to beleue the same and I by my owne acknowledgegement confessed als mucche in effect, togidder with the great fault committed by me in my service to the erledome of Stratherne, in regarde whairfof his Majestie by his said letter hes found that I am not worthie to injoy the charges quhilkis I have formerlie borne in the estait nor yitt the pensioun allowed to be payed to me furth of the Exchecker, and hes commanded the said Lord Chancellor to require me to surrender up into his Majestis hands my charges and places of presidentship in Counsell and Justice Generall and place in Sessioun to be disposed of as his sacred Majestie sal be pleased to appoint, togidder with the gift of my pensioun formerlie granit to me by his Majestie; thairfoir and for obedience of his Majestis sacred will and ordinance witt yee me to have resigned and surrendered, lykeas as I, compeirand in presence of the Lords of his Majestis Secret Counsell and Exchecker, resigne and surrender in thair hands, as in the hands of his sacred Majestie, the places, offices and charges of president in Counsell, Justice Generall and place in Sessioun, togidder with my pensioun of fyve hundred pundz sterline granit to me be his sacred Majestie with all gifts, letters, patents and other warrands whatsomever granit to me be his Majestie for injoying the saids places or for bruiking the said pensioun, with all honnours, digniteis, fees, privledges and others immunitieis whatsomever dew to me be vertew of the saids gifts or any of thame in all tymes comming, to the effect his Majestie may dispose thereupon at his pleasure; and for the mair securitie I am content and consents that thir presents be insert and registrat in the bookes of Secret Counsell, Sessioun and Exchecker ad futuram rei memoriam, and for that effect makes and constitut, etc., my procurators to compeir and consent to the registrating of the premises in maner foresaid. In witnes whairfof I have subscrivwyd thir presents with my hand at Edinburgh, the aucth day of November, the yeere of God jvij threttie thrie yeeres. Sic subscribitur, AIRTHE. Followes the tennour of the missive abonewritten:—CHARLES R. Right
trustie and right weilbelovit cousine and counsellor, we greit yow weill. Whereas upon the commissioun for tryyell of some treasonable speeches spokin be the Erle of Airthe we found sufficient proofe to beleev the same, and in regarde lykewayes be he by his awne acknowledgement confesseth in effect als mucho, togidder with the great fault he committed in his service to the eredele of Stratherne, as is conteanned under his hand in his late submissioun, we thairfor find that he is not worthwhile to injoy the charges whiche he hes formerlie borne in the estait by our gift and appointment nor the pension allowed to be payed to him out of our Exchecker. Wherefore we have thought good heerby to signifie the same unto yow, and it is our pleasure that yow require the said Erle in our name to surrender up into our hands these his charges of presidentiup of the Counsell, Justice Generall and place in Sessioun, to be disposed of as we sall appoint, as lykewayes the gift of his said pension, and that in the mean tyme yow confyne him to his awne houses and the bounds belonging thereunto, whiche ar not neere to Halyrudhous where the public meeting of our estait ar keeped; and for your so doing these presents sall be your sufficient warrand. Frome our Court at Whytehall, the nynt day of October, 1633. Followes the directioun on the backe of the letter:—To our right trusty and right weilbelovit cousine and counsellor, the Erle of Kinnoull, our Chanseller of our kingdome of Scotland.”

“The Lords of Secret Counsell, according to ane warrand and directioun in writt sent frome his Majestie to the Lord High Chanseller of this kingdome and be him exhibite and shawin unto thame, hes confynd and be thir presentis confynes William, Erle of Airthe, to his owne houses and bounds belonging thereunto, quhilks ar not neere unto the palace of Halyrudhous where the public meetings of the estait ar keeped. And the said Erle of Airthe being present and this act anent his confyning being intimat unto him he in submisse reverence promeist to give dewtifull obedience thereunto.”

“Forsamekle as the Erle of Dumfreis, the Lords Naper and Corstorphine, the lairds of Amisfeild, Cavers and Kelburne, commissioners for the Surrenders and Teinds, wer nominat and appointed to have attened the first quarter sessioun; to Witt, fra the first of November to the 24 of December, anent the dispatche of the affaires of the said commision, and they being writtin for to that effect they have not keeped the said dyet and sessioun, quherthrow his Majesties service is like to be frustrat and disappointed and his Majestis subjects ar heavilie prejudic in their affaires; thairfor ordains letters to be direct charging the commisioners foresaid to compeir personalie before the saids Lords at a certane day to heare and see suche order tane anent this mater as the necessitie of his Majestis service and good of the lieges doeth require, under the pane of rebellioun, etc., with certificatioun, etc.”
Edinburgh, 12th November 1633.

Sederunt—Chancellor; Privy Seal; Marquis of Hamilton; Perth; Annerdaill; Lauderdaleil; Bining; Dunkelden; Dumblane; Master of Elphinstoun; Secretary; Advocate; Clerk Register.

[No record of business.]

Edinburgh, 14th November 1633.

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

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

"Anent the supplication presented to the Lords of Secret Counsell be Johne Balcanquall, master of the good ship callit The Blessing of Kirkaldie, Daniel Hay, James Hay, George Balcanquall, Johne Hucheon, James Burt, James Hutcheon, William Logane, Alexander Moyes, Thomas Nicolson, Johne Scot, Johne Robertsone, Alexander Law, George Scot, Johne Wemes, James Broun, Johne Aittoun, Robert Logane, Henri Ronnaoldsone and Williame Stevinsone, all indwellers in Kirkaldie and of the companie and eqippage of the said ship, makand mentiou that where in the moneth of July last they having loadenn their said ship, whiche wes of the burdein of three hundreth twnne, in the town of Rotchell with great salt, and they having loused frome their port and being upon their dew course home toward this kingdome they wer fearfullie persewed and sett upon be three Turkish men of warre and after a long combat betuix thame, the supplicants having stood to their defence so long as they might, they were in end overcome and boorded, thameselffes tane, miserable bound, used as slaves and caried to Argiers in Barbarie, where they ar lying in great slaverie and miserie and subject to all the contumeleis that these miserable miscreants can inflict upon thame, and in end they have ransomed the supplicants to above twentie foure thousand merkes, quhilk soume they are unable to pay, being bot poore mariners, numbers of thame having the charge of wyffes and barne that now miserable suffers penurie and want, being deprivyd of the confort and maintenance they had be the supplicants, and who will perish if some course be not tane for their releef; humbelie desyryng thairfoir the saids Lords that they might have thair letters of recommendatioun in maner and to the effect following, lykes at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords, and they being trewlie informed of the miserie and slaverie wherein the saids supplicants ar, and finding it ane mater of Christiane charitie and compassioun and that it concerns the credite of the nation to see thame releevd, thairfoir the saids Lords hes recommended and be the tennour heirof recommends the saids suppliants to the favourable, charitble and christiane consideratioun of the haill estaits, both spirituall and temporall, within this kingdome, and to the
whole persons of whatsoever ranke, qualitie and degree within the same, requesteing and desyreng thame and everie ane of thame to extend suche proportioun of their liberalitie and charitie to the saids suppliacnts as the necessitie of the caus requires; and the saids Lords hes committed and be the teannour heirof committs the collection of this contributioun and benevolence to John Coyleyar, baillie of Kirkaldie, John Williamsone, Henrie Miller, elder, William Williamsone, James Denneisoun, George Hutcheoun, Thomas Allane and David Benet, indwellere in Kirkaldie, who ar men of approvin honestie and reputatioun and will deale faithfullie in this bussines and conceale nothing that will be givin be the people to this so good and necessar a worke; givand, grantand and committand unto thame and everie ane of thame full power, warrand and commissioun to deale and travell with the whole archbishops and bishops, noblemen, barons and gentlemen, synods, presbyteries and sessions of kirks, burrowes, towns and villages, and with all others his Majesteis subjects, as weill to burgh as land, within this kingdome, anent their benevolence and charitable and christiane contributioun to be givin for the releefe of the saids suppliacnts; quhilks commissioners sall have ane booke deleyvered unto thame be the clerk of his Majesteis Counsell, whairof everie leafe sall be marked be the said clerk, within the quhilk booke the saids Lords requirest all and everie persons 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 any person or persons be sleuthe or negligence sall refuse or forgett to insert their said contributioun, ordains and commands the saids commissioners to insert the same themselves, and that they report their diligence in the premisses with their bookes conteaining the names of the whole persons contributers and soumes of money collected be thame to the saids Lorde upon the xxijij day of September nixt, to the intent the saids Lords may know what soumes ar collected and how the same sall be imployed; and the saids commissioners sall give their great oath at the reporting of their diligence and bookes foresaids that they have not omitted nor left out of the said booke anie of the persons names that contributed nor the soumes nor no part thairof that sall be advanced in this earand; requisisting all and sindrie archbishops and bishops within this kingdome to give direction to the ministers within their dioceis that they admonishe and stirre up thair flockes and parochinners to putt to thair helping hand in this so important and necessar a caus."

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

"The quhilk day Johne Young, prisoner in the tolbuith of Edin- burgh for thift, compeirand personallie before the Lords of Privie Counsell, actit and obleist him to compeir personallie before his Majesteis
Justice and his deputie to underly the law for the cryme of thift when ever he sall be lawfullie charged, under the pane of fylve hundreth merkes."

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

Allowance to be granted to Thomas Miller, merchant burgess of Edinburgh, for his trouble in selling a quantity of wine which had been brought from Nantes to Leith.

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

Complaint by James Crichtoun of Fendraught, as follows:—On May last William Davidsoun, servitor of Alexander Chalmer in Utinstoun, at the instigation of the said Alexander, with twenty horses carrying loads and burdens, came "in despite and contempt of the said compleaneer to the yett of Fendraught, and miskening the his way went throw the green hayned grasse, growand cornes, medowes, parkes and planting of Fendraught, broke doun the dykes and planting thairof, raid throw ane myle of his sawin ground and growing cornes, and pitifulie

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

Complaint by Sir John Maxwell of Neather Pooke, as follows:—Complaint by Sir John Maxwell of Nether Pollok, against Sir George Elphinstone and Sir Archibald Douglass, who refuse to admit the complainer to the Castle of Dumbarton, of which he has been appointed keeper by the Duke of Lennox, its hereditary proprietor.

The Lords and procure the said castle, to deliver the same to the complainer, and remove themselves, and wives, children and servants therefrom within twenty-four hours, under the pain of rebellion, or else compear before the Lords and show a reasonable cause why they should not; and the said cause being called upon 5th November instant, when the pursuer compeared by Mr. William Cochrane of Cowden, Sir George Elphinstoun by Mr. James Baird, and Sir Archibald Douglass personally for himself and his wife, the Lords, after hearing parties, continued the cause till this day. It being now called of new, and the pursuer compearing by his said procurator, but no appearance being entered for any of the defenders, the Lords ordain letters to be issued to charge the latter to render the said castle to the pursuer within twenty-four hours,
under the pain of rebellion, and if they disobey, to put them to the Decreta,
November
1632-April
1635.

Complaint by John Cuthbertson, cordner in the Canongate, as follows:—Last Council day their Lordships committed him to ward in the tolbooth of Edinburgh upon the complaint of William Cuthbertsoun, his brother, that "he put his servants out of the houes and going in to the same with ane hammer" broke up the "kista." He must reverence the course of justice, so it is most trew that the compleanners said brother hes spoyled him of his haill partage and purchase" for which he has him under process before the Lords of Session. Now by his warding he is not only "cassin louse of his calling" but debarred from this pursuit. Charge having been given to the said William Cuthbertsoun to compear, and the pursuer compearing but not the defender, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer in so far as he is warded for the above cause.

Sederunt—Chancellor; Privy Seal; Marquis of Hamilton; Errol; Acta, June
Perth; Roxburgh; Annerdaill; Lauderdaill; Dumfreis; South-
eak; Traquair; Lorne; Areskine; Bining; Bishop of Dunkeld; Fol. 251, b.
Bishop of Dumblane; Master of Elphinston; Secretary; Clerk
Register; Sir James Baillie.

Charge to James, Lord
Johnstone, to
arrest William
Johnstone, who is accused
of unnatural
crimes.

"Forsameekle as it is understand to the Lords of Privie Counsell that William Johnstoun, brother to the tutour of Echesheillis, having lyin in the filthie sinne of whoordome with Margaret Hunter the space of three years togidder, betuix whome there wer three children procreat, he sensyne fell in a more detestable and odious sinne with the daughter of the said Margaret Hunter, betuix whome there wes a childe procreat, and after this incestuous matche he is returned backe agane to the said Margaret Hunter and incestuouslie cohabites with her, to the great offence of God, scandal of his trew religioni and contempt of law and justice; for the whilk they ar lawfully and orderlie excommunicat be the orders of the kirk. Thairfoir the Lords of Secret Councell gives and grants commission be thir presents and with that commands and ordains James, Lord Johnstoun, who wes personallie present and is cheefe to the said William and a speciall persoun in that countrie who can be burdened with his apprehensioun and exhibition, to pas, searche, Fol. 252, a.

seeke and take the saids William Johnstoun and Margaret Hunter wherever they may be apprehended and to bring, present and exhibite thame before the saids Lords to be tane order with for the abominable and incestuous cryme foresaid, and all things necessar for their apprehensioun to doe and use qhillks in suche caisses is neidfull; firme and stable halding and for to hald all and whatsoever things sall be lawfullie done heerin."
Supplication by James Livingstoun of Beil, one of his Majesty's Bedchamber, as follows:—He has come to this country to settle with George Lawder of Bas and Isobel Hepburne, his mother, who, however, dare not repair to this burg for concluding the business in respect of some hornings under which they lie, and he therefore craves that their lordships would grant them a protection. The Lords grant them their protection until 1st February next, provided that before the 20th December next they deliver up to the said James such writs, evidents, and securities as they are obliged to do by their contract; otherwise this protection to be null.

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

"The Lords ordains the gentlemen that wer writin for anent the disorders of the Hielands to conveene and meit among themselfis and to sett down thair overtures in writr for repressing of the disorders and makand the theeves furthcummand to justice; and that everie one apart

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

"Ordains the Commissioners of the Middle Shires to mit and advise
upon the best meanes and wayes for suppressing of thift in these bounds,
and to consider the overture made theeranent be the Erle of Nithsdail
whiche wes this day produced, and to report to the Counsell."

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

[No record of business.]

Sederunt—Chancellor; Privy Seal; Marquis of Hamiltoun; Roxburgh; Annerdail; Lauderdaill; Dumfreis; Southesk; Traquair; Lorne; Areskine; Secretary; Clerk Register; Advocate; Sir James Baillie.

"The Lords of Secret Counsell, having at lenthe debated and considered the best and most effectual meanes for suppresing of thift in the Hielands, they find the acts alreadie made theeranent to be sufficient if the same wer putt to dew execution. And for this effect ordains the noblemen and barons interested to give in to the Chancellor a roll of the names of fugitives and theives with the crymes committed be thame and qualificacion thairof, the place of their haunt and ressett and name of the persoouns under whome they dwell, to the effect order may be givin for their apprehensioun and exhibition to justice."

"The Lords ordains the noblemen and barons who subscrivyed the petitioun to conveene togidder and consult what fordering is fitt to be done for redresse of the disorders, and to report on Tiuesday next."

Sederunt—Chancellor; Privy Seal; Marquis of Hamilton; Murrey; Wintoun; Roxburgh; Erroll; Annerdaill; Lauderdaill; Dumfreis; Southesk; Traquair; Bishop of Dunkeld; Bishop of Dumblane; Lord Lorne; Lord Areskine; Master of Elphinston; Secretary; Clerk Register; Advocate; Sir James Baillie.

"Forsamekle as some disordered and brokin lymmars in the Hielands of this kingdome, being weared with the good and happie peace whiche hase beene so long continued within the same under his Majesties blessed governement, and preferring their bypast theevish trade to all good order and obedience, they have now begun to breake louse and to commit manie disorders and insolenceis upon his Majestis good subjects in the
in countrie highly to his Majestie's contempt and disgrace of his government; that the Lords of Secret Counsell ordains and commands all his Majestie's shireffs, stewarts and bailleis, evey ane of thame within their awne bounds, to have a speciall care of the preservatioun of thair saids bounds, and for this effect to pas, searche, seeke, hunt, follow and persewe all disordered lymmars, theevs and brokin men that sall haunt and resort within the same and, being apprehended, to committ thame to waerd and to deteane thame therein till justice be ministrat upon thame conforme to the lawes of this realme; and all things necessarie for thair apprehensioun to doe and use quhilkis in suche a caise ar necessarie and usual, firme and stable halding and for to halde all and whatsomever things saill be lawfullie done heerin; and ordains letters to be direct charging all and sindrie his Majestie lieges and subjects to rise, concurrre, fortifie and assist his Majestie said shireffs, stewarts and bailleis in all and eveyrie thing tending to the execution of this commission and in the persuite and apprehensioun of the saids disordered and lawlese lymmars, as they and eveyrie ane of thame will anser to the contrarie at thair highest perrell."

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

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

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

Complaint by James, Lord Ogilvie of Airlie, his Majesty's bailie of the lordship of Cowper, as follows:—"In Glenyla, which is the highest land in the shirefdom of Angus and most subject to the depredations and incursions of the Hieland theves and lymmars, there wes yeerlie put furth be ordinance of court ane watche, consisting of twelве men, for the defence of that countrie, whiche watchemen went furth yeerlie the first of July and remained constantlie watching in the feilds whill the last of September, who be their panefull travellis and diligent watcheing preserved the countrie people from the oppressions and thifts of these Hieland lymmars with verie small charge to the countrie people; for everie one of the said watchmen had onelie allowed unto thame for their weekelie intertaneament twa peckes aitt meale and half ane merke of silver, but anie forder benefite or fee whatsoever. This custome of watching wes first institute be the Abbots of Cowper, superiors of the
sailed lands of Glenyla, and putt in executioune be the said supplicants and precedors, their bailis, and ever since the days of these abbeys till this tyme this forme of watching hes beene kepe and continued whill now of late that certane uncharitable persons, refusing to give the foresaid maintenaunce for intearetement of the watchemen hes, be their evil behaviour, made the said watche to desist and cease thir three or foure yeeres bygane, quherethrow great prejudice hes followed to the countrie people; for manie of thame hes their goods stollin away and their houses spylit thir three or foure yeeres bygane." He therefore craves that the Council would both ratify the acts of court appointing the said yearly watch and their remunerauon, and pass an act of Council ordaining the said watch to be maintained and appointing their maintenance, so long as there is any disorder in the said country; appointing the supplicant and his successors to hold a court yearly for this effect, to nominate one of the twelve as commander over the others, and to take the feuars of the said country obliged to pay the said maintenance during the term of watching. The Lords allow the said Fol. 7, Lord Ogilvie to appoint and hold a court for procuring the consent of the feuars towards the setting forth and maintaining of the aforesaid watch, and to report to the Council "the names of these that dissentsa." The Lords assign the 5th of December next to William Dalyell, son of Lord Dalyell, for his compering before the Council and producing what writ he has concerning the conjunct fee lands of Elspet Scot, widow of Walter Chisholme of that Ilk, and as on account of some civil hornings issued against him he cannot safely resort hither the Lords grant him their protection until 10th December next.

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

[In the sederunt here Bining is added.]

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

Order to the Marquis of Huntly to prevent broken men from passing through his bounds.

Edinburgh, 30th November 1633.

Sederunt—Treasurer; Marquis of Hamilton; Erroll; Murrey; Winton; Perth; Roxburgh; Annerdail; Lauderdale; Southesk; Tracquair; Bishop of Dunkeld; Bishop of Dumblane; Lord Lorne; Areskine; Bining; Master of Elphinstoun; Secretary; Clerk Register; Advocate.

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

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

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

"The Lords ordains his Majestis Thesaurar and Master of the Wardrop to give furth of the Wardrope to the Bishop of Dumblane, Deane of the Chappell, suche furniture and apparril as is requisite and fitting for celebration of the communio within the said chappell."

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

**Sederunt**—Treasurer; Privy Seal, Marquis of Hamilton; Erroll; Acts, June 1633-June 1634.
Murray; Perth; Roxburgh; Annerdaill; Lauderdale; Southesk; Traquair; Lord Lorne; Lord Areskine; Binning; Bishop of Dunkeld; Bishop of Ros; Bishop of Murrey; Secretary; Clerk Register; Advocate.

John, Bishop of Moray, admitted into the Council.

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

CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousins and counsellers, and right trustie and weilbelovit counsellors, we gret yow well. Understanding the abilities and sufficiencie of the reverend father in God, the Bishop of Murrey, and his affection to our service we are moved in garde thairof and for his better encouragement and enabling to doe ws good service heerafter to promove and advance him to be one of our Privie Counsell of that our kingdome; thairfor we doe heereby will and require that, having caused administer unto him the oath accustomed in the like caises, yow admit him to be a privie counsellor, accepting him as one of your number, for whiche these presents sall be your warrand. We bid yow farewell, from our Court at Whitehall, 11th of October, 1633."

John, Bishop of Ross, admitted into the Council.

1 John Guthrie, after being successively minis-
 ter at Perth and Edinburgh, had been promoted
to the See of Moray in 1623. He was deprived
by the Glasgow Assembly of 1638. Keith, Cat.
of Bishops, p. 152.
Bishop of Rosse, to be one of the Privie Counsell of this kingdom and to bruike and injoy all honnours, digniteis, priviledges and immunitieis proper and dew to that place. Lykeas the said Bishop of Rosse being personallie present and acknowledging with all humble and dewtifull respect his Majesteis gracious favour shawin unto him in promoting him to that place of dignite and honnour he with all dew reverence on his knees made and gave his solemne oath of alledgeance and of a privie counseller. Followes his Majesteis missive for warrand of the act abone-writtin:—CHARLES R.—Right trustie and right weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellers, we greit yow well. Understanding the abilitieis and sufficiencie of the reverend father in God, the Bishop of Rosse, and his affectioun to our service, we ar moved, in regarde thairof and for his better encouragement and enabling to doe us good service hereafter to promove and advance him to be one of our Privie Counsell of that our kingdom; therefore we doe heirby will and require that, having administered unto him the oath accustomed in the like caises, yow admitt him to be a privie counseller, accepting him as one of your number, for which these presents shall be your warrand. We bid yow farewell, frome our Court at Whitehall, 11th October, 1633."

[Sederunt as recorded above.]

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

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

"A commission to the Shireff of Aberdeen for taking the house of Harthill and keeping of the same upon the rents of the lands of Harthill till it be decyed before the judge ordinar to whome it appertenees; charging the lieges to concurre and assist the said shireff in taking and keeping of the said house."

Sedervnt—Treasurer; Privy Seal; Marquis of Hamilton; Erroll; Decreta, November 1633; April 1635. Sederunts, November 1629; January 1635. Fol. 113, a.

Edinburgh, 5th December 1635.

Complaint by Mr. James Spence, minister at Tulliallane, Christian Bonar, his spouse, and Christian Spence, his daughter, as follows:—"Sir John Blacader of Tulliallane, forgetting that respect and obligement qhilk he oweth to the said minister as his ordinarie pastor, hes resolved in contempt of law so farre as in him lyes to wracke and undoe him and his poore familie." Accordingly, on 4th April last, he came to the complainter's glebe and farm lands adjacent, which the minister had already tilled, and removing the minister's ploughs "caused streik three or foure of his awne plewes upon the said ministers teilled lands." When the minister's wife and daughter then went forth to intreat him to desist from so violently oppressing his own pastor, Sir John "shamefullie and cruellie with ane pycked stalffe strake, hurt and woundit him [sic] upon the headis, gardeis and shoulders, and others partis of their bodeis, and gave thame manie bauche and blae straikes till he brake the stalffe upon thame; and thereafter verie barbarouslie with his hands and feit he strake, hurt and woundit the saids twa women, and rave the said Christiane Bonars ruffe in peeces from her craig." The said Mr. James Spence and his wife appearing for themselves and their daughter, but the said Laird of Tulliallane not compearing, the Lords ordain him to be put to the horn and escheat.

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

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

This day being appointed for hearing, Andrew Purves, merchant burgess of Edinburgh, and George Scot, younger, also merchant burgess there, commissioners nominated by Mr. John Paip, younger, advocate, as procurator for George Arnot, merchant burgess of Edinburgh, and Mr. David Heriot, advocate, as procurator for George Scot, skipper in Dysert, as to the allowance to be made for daily wages to Thomas Miller, merchant in Leith, for his fifteen months' attendance upon the wines and aquavitae which was embarked at Nants in Britaigne and brought to Leith in a ship of Hamborrow called The Quhyte Swan, and as to the two last articles of his accounts, viz., (1) £300 paid out in defence of Jacob Jansoun, and (2) the costs of procuring the licence from his Majesty "for reserving the goods apprehended and retaing of the same in the first end of the said George Arnot and his partners their losses susteanned be thame"; and George Arnot comparing personally along with his procurator, the said Mr. John Paip, the latter produced a report signed by the said Andrew Purves and George Scot. The foresaid George Scot also appearing with his procurator, Mr. David Heriot, and Thomas Miller also being present, the Lords, after hearing the report and parties thereon, allow of the same in so far as regards the daily allowance to be paid to the said Thomas Miller; and remit the two last articles of his account abovementioned to the decision of the Lords of Council and Session. They further ordain the said report to be recorded in the Books of Privy Council, which is accordingly done as follows:—"Be it knowne that we Andro Purves and George Scot, merchant burgesses of Edinburgh, undersubcreyers, having according to your Lordships Act seen and considerit the three particulars therein conteanit, the one tuicheing Thomas Miller his daylie allowance for his attendance upon the wynes conteanit in the said act, the second anent the compt givin in of the soume of 300 £. debursed be George Arnot in defence of Jacob Jansoun his persutes for restitution thairof, the thrid anent the soume of sax thousand foure hundreth merkis givin out be the said George to procure libertie from his Majestie to reteane the saids wynes in the first end of thair losses susteanned be thame of the Hamburrers; after consideration takin be us of the saids three particulars we declare that
according to our judgement the allowance for the said Thomas Miller
daylie his attendance upon the saids wynes be the space of fyftene
moneths conteanit in the said act sould be twentie shillings. And as to
the other twa particulars abonespecificit, declares that we can nowayes
judge thereupon, thay being twa particulars gevin in be the said George
Arnot quhilk he declares he hes gevin out in maner foresaid. Quhilk
declaration we testifie to be of veritie be thir presents subscriyved with
our hands at Edinburgh the thrid day of December jmvjc and thrittie
three yeeres. *Sic subscribitur, A. Purves; Geo. Scott.*

Complaint by
John, Earl of
Annandale,
and John
Henderson, his
bailie, against
James Maxwell
of Castlemilk
and others for
assault on the
said bailie
while leading
the teinds of
the said James
Maxwell—the
said Earl being
tacksman of
Maxwell’s
lands.

Complaint by John, Earl of Annerdaill, John Henderson, his bailie,
and Sir Thomas Hope of Craighall, King’s Advocate, for his Majesty’s
interest, as follows:— Though the wearing of hagbuts and pistols is
prohibited, yet, when the said Earl of Annerdaill, as tacksman of
the teinds of the lands of John Maxwell of Castlemilk, directed his said
bailie thither in the time of the last harvest to require the teind
sheaves or else the value of the same from the tenants, and the first
tenant he came to having declared his willingness that the said bailie
should lead the teinds, and the bailie accordingly having led two or
three cartfuls of them, John Maxwell of Castlemilk on hearing this,
not only stopped the said bailie from proceeding, but, accompanied by
William Irwing, son to the Goodman of Bonshaw, armed with swords,
hagbuts and pistols, lay in wait for the said bailie who they had learned
was coming from Graitney with some of his master’s money. Having
passed a considerable time in “ane castler hous in the hie way,” they
came forth and followed the said bailie for half a mile to the house of
Alexander Rae, and entering it they “patt violent hands in the said
bailieis person, the said Johne with fearefull execrations crying unto
him ‘Thow ar ane priests sone; thow led my teinds; the preist is not
heir with his gowne to save thee. Thow must now wait my leasure till
we trewe wye.’ And than he and the said Williame held the points of
their drawn swords to the said bailleis bellie. And he having asked
whether it wes in earnest, he with ane great oath bade the baillie take
it as he fand it. Who having replied that it wes ane shame
to thame, being fourie, to sett upon him, who wes ane single man,
the said Johne replied, ‘I have now my tyme, take thow thynye then
when thow can gett it. I will lett the see my pistolls, come but I have
bullets in my pocket’; and with that sent for his powlder horne and
charged thame, and said to the said baillie, ‘Jonas, will goo furth with
me and we sail try our selffis.’ And when the goodman of the hous
spake but one word in favours of the said baillie the said Johne pulled
up ane stap and krait at his face so as he behoved to leave his awne
hous. And after this forme they keppe the said baillie be the space
of three houres untill with the helpe of some weomen he escaped and
lap on horsbacke.” Charge having been given to the said John
Maxwell and William Irwing to appear this day, and the pursuers
appearing but not the defenders, certain witnesses produced by the
pursuers were examined, whereupon the Lords find that the said John
Maxwell of Castlemilk and William Irving "come to the said Alexander
Rae's house, where the said John Rae [sic] was the tyme libellit, and
set down either of thame on the said Johne Hendersons side and would
not suffer him to rise, till the said William Irving laid down ane
drawn sword upon ane bord and the said Johne Maxwell took the
same and wagged the same above the said Johne Hendersons head,
held the plummett to his breast, and when the said Johne demanded if
he was in earnest the said Johne Maxwell bade him tak it as he fand
it; and that the said Johne Maxwell had ane pistolet." For this
"vrie great insolence" the Lords ordain them to be charged to
enter into ward within the tolbooth of Edinburgh within six days until
order be taken with them.

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

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

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

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

[Sederunt as above with the addition of Areskine.]

Salt and coal owners.

“The Lords continewes the owners of the coale and salt till a new advertisement.”

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Erroll; Acta, June 1632; June 1634.
Roxburgh; Galloway; Southeek; Tracquair; Bishop of Murray; Bishop of Ros; Bishop of Dumblane; Lord Areskine; Bining; Secretary; Clerk Register; Advocate.

The Council continues its recommendation for a subscription

“Forsameekle as the Lords of Secret Counsell, having past and exped letters of recommation to Mr Johne Rattray, minister at Rattray, for collecting ane voluntarie contribution and support for bigging of the
bridge of Erigh frome the whole estaits both spirituall and temporall within this kingdom beyond the water of Tay and within the whole shirefordome of Perth and stewartrie of Stratherne, and from the hail synods, presbyteries, sessionous of kirks, burrowes, towns and villages and all his Majestie subjects als weill to burgh as land within the said bounds, as the saids letters of recommendation and prorogatiou thairof at lenth beiris; and whereas the said Mr John hes advanced great soumes of money upon the bigging of the said bridge, whilk is now brought to ane good perfectioun and made passable for men and hors to the great confort of his Majestie lieges repairing that way; and seing the said bridge is not yett fullie perfytted and the said minister hes not gotten releefe of his advancements thairfor and for the forderung of so good and pious ane worke, the Lords of Secreit Counsell hes of new prorogat and continewed and be the tennour heirof prorogats and continewes the letters of recommendation foresaid grantit to the said Mr John Rattray for collecting the said voluntarie contributioun within the whole bounds abonewritten till the terme of Martimes nix after the dait heirof in all and sindrie points, clausess and articles conteanit in the saids letters of recommendation and former prorogatioun of the same.”

“[Sederunt as recorded above.]

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

She has been warded in the tolbooth of the Cannagait for “five quarters of ane yeere bygane at the instance of William Cuthbertson, burgess of the Cannagait, for the soum of threttie foure pundis principall and auacht pundis of expenses,” which had been assigned to him by Barbara Dowglas; and at the instance of George Kincaid, merchant, for £200 of principal and £40 of expenses. These persons have not paid for her support in ward, but the “keepers of the hous hes advanced her in hope of payment and her father who remains at Londoun, and others her freinds, whome she hes implied, miskens her, so as she is forced now to meane her selfe to the saids Lords least she starve, seing the keepers of the hous will advance her no more.” William Cuthbertson compearing, and consenting to her liberation so far as she is warded at his instance, but George Kincaid not compearing, and the said Katherine Murray being personally present, having been produced by Mr. James Wilkie and James Simson, bailies in the Cannagait, the Lords ordain them to put her to liberty in respect of the consent of William Cuthbertson, but yet without prejudice of any lawful action which the said George Kincaid may have against her upon his return to the kingdom.

Complaint by Barbara Dowglas, as follows:—On 25th November last, Fol. 18, a.

William Cuthbertson, cordiner in the Cannagait, and some of the officers of the Cannagait, apprehended her in the house of Ninian Barns there and without any warrant or authority “harled her to the tolbuith thairfof.” The complainer compearing, being brought by the bailies of the Cannagait, and the said William Cuthbertson also compearing, and both having been heard, the Lords assigns to the defender this day eight days to recover decree against the pursuer proving her his debtor, and ordains the pursuer to be kept in ward meanwhile in the tolbooth of Edinburgh, two skillings daily being paid to her for her entertainment by the defender.

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

Supplication by Robert Crichtoun in Carne, as follows:—Archibald Fol. 18, b.

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

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

Thomas Crombie of Kemnay, sheriff principal of Aberdein, having been appointed by their Lordships commissioner for taking the oath of verity of Arthur, Lord Forbes, as to his resetting John Leith of Harthill, and to have taken caution of him not to reset him nor intercommune with him during his rebellion, compeared by Adam Abir Crombie of Aldrayne, who produced a report subscribed by the said Lord Forbes, the said sheriff, and Mr. Patrick Chalmer, sheriff-clerk of Aberdein, containing the Lord Forbes's declaration upon the matter, which the Lords ordained to be registered in their books. The report here follows. It is dated at the Kirk of Kintor, 22d November, 1633, and narrates that Arthur, Lord Forbes, there and then compeared before Thomas Crombie of Kemnay, sheriff principal of Aberdein, and conform to the commission by the Lords of Council to the said sheriff dated at Halyrudhous, 8th November instant, "did most willingly offer to give his oath," and being sworn he deponed "That he did never in contempt of law recept, supplee nor intercommun with the said John Leith or keepe anie societie or company with him; nather could the said Lord refuse bot he was forced and urged to speeke and conferre with the said John, and suffer and permit him to come to his hous of Puttachie for taking order with the rents and dewteis of the lands of Harthill dew to Katherine Forbes, Lady Harthill, father sister to the said noble Lord; and that wes the cheefe and onelie caus that moved the said noble Lord to have anie meiting or
conference with the said Johne Leith; nether did the said noble Lord ever concurre and assist the said Johne Leith in anie of his wrang or perturbatioun of the countrie.” Being asked about the special dates given in the commission of his having intercommuned with the rebel, his lordship replied, “That he could not remember himself upon anie particular day or tyme and yitt could not refuse bo he had spokin, mett and conferred with the said Johne onelie for taking order with his fathers sisters rents and dewteis and to helpe and suppilee her in her great age and necessitie,” and that he was never charged by any warrant in particular not to do so. Being required to find caution that he would not hereafter intercommune with the said John Leith under the penalty of 3000 merks, his Lordship declared, “That he was denuded of his ball estait in favours of his sone and that he was onelie lyverenter of a verie small and meane portioune thairof, and sua thairby was not abill to find anie suche cautioune and souertie, nather would anie of his freinds become cautioune for him since he had no estait to releive thame,” and yet to testify his obedience he offered willingly to enact himself in the said penalty not to intercommune with the said John Leith during his rebellion. And he earnestly intreated the said shireff to bear testimony of his readiness so to do.

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

Complaint by John Stewart of Coldinghame, as follows:—When the points in dispute between him and Robert Dowglas of Blaikester anent the accounts of his estate and the putting of the same to the best avail by leasing it to John Home of Rentoun for a yearly rent came before their Lordships on 19th November last, they, judging that the interposition of some neutral friends would be advantageous, appointed John Sinclair (nominated by the complainer) and the Laird of Kilsindie (nominated by Robert Dowglas) to treat thereaen, and continued the matter for eight days. But although he and his friend have been ever ready to meet and do whatever was possible for bringing matters to a good conclusion, Robert Dowglas has shunned all meeting and suffered the matter to desert. Charge having been given to John, Lord Cranstoun, and the said Robert Dowglas, and they comparing, as also the said complainer, who produced to their Lordships sixteen articles not accounted for by the said Robert Dowglas in the account of his intermissions, the Lords, after hearing parties, remits and recommends the
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matter and these sixteen articles to the hearing of the Lords of Session "for tymous and speedie justice." And because, owing to the poverty of the pursuer, he cannot follow out the valuations of the teinds of Coldinghame so that he may dispose thereof for payment of his debts, the Lords think fit that they shall be followed out upon his Majesty's charges, and repayment thereof to be made by the parties concerned. "A missive to the Marquise of Huntly concerning Johne Toshe." The Marquise of Huntly and John Toshe.

Sedunt—Treasurer; Erroll; Galloway; Dumfreis; Southesk; Traquair; Bishop of Murray; Bishop of Ros; Bishop of Dumbelane; Lord Lorne; Lord Areskine; Lord Binning; Secretary; Clerk Register; Advocate.

Supplication by Mr. William Hay of Badinspeck and Alexander Gardin of Blackfuird as follows:—They have been charged at the instance of Margaret Leslie, the widow, Agnes, Elspitt, Helen and Violet Leslie, the daughters, William Leslie, the brother, and the remanent kin and friends of the deceased James Leslie, alias Robsoun, sometime servant to William Seaton of Meldrum, to find caution in the Books of Adjournal to appear before the Justice and his deputies in the tolbooth of Edinburgh on 17th December instant and underlie the law for the alleged slaughter of the said James Leslie; and they have found caution so to do and purpose to keep the said diet. "Bot becaus in matters of this kynde tuicheing his Majestis subjects in thair lyffes and fortounis it is verie hard to hazard thair lyffes upon the unconstant and ignorant voices of ane countrie assise, who ar commounlie choisin be the partie persewrer and ar persons for the most part at his devotioun, the saids suppllicants thairfoir presomes humbelle to represent to the saids Lords thair innocencie of that slaughter and the forme, maner and circumstances how the same fell out, to witt:—In the moneth of August last the saids suppllicants and Johne Garne, brother to the said Alexander, being at the mercat of Aldrayne, callit St. Laurence fair, attending thair lawfull affaires, and the said M[aster] William perceaving certane oxin in the mercat quhilkis wer in commoun betuix the said umquhill James Leslie and William Robertssoun, his partner, the said M[aster] William entered in termes with thame anent the price of one of the said oxin, and in end they agreed; and the said James having atercetion thereafter repented himselfe of the bargane and some alteration having fallen out thereanent, the mater wes brought to the hearing of the baillie who had the charge of the mercat and decerned in the said M[aster] Williams favours, decerning the oxe to be his; and so he being possesst with the oxe, and having caused carie the same away, the said umquhill James followed, and the said Johne and he ran-countering togidder a great way frome the place where the suppli-cants stood, and some swaggering speeches interchanged betuix thame, they fell in end in persute the one of the other, and the said Johne
being hadlin till he gatt three deidlie wounds on the head with a sting, and having freed himselfe of these who held him he gave the said James ane little straik on the head not three inches long, and he lived thereafter, going and walking on his feete the space of dayes. And all the tyme of this conflict the supplicants came never neere thame, had no medleing nor doing with thame and assisted neither parte. Lykeas the said Johne, knowing his awne guiltines of the said slaughter, hes tane the cryme upon him, is fugitive frome the lawes and denounced rebell. And the partie perceiving that they cannot come to thair intent aganis him they have tane thame to the compleanners, who ar innocent men." They crave that their Lordships would appoint some precognitions to be taken locally upon the business. The Lords having heard and considered the supplication, and "considering that precognitions of this kynde ar not usuaill nor warrantable be law, and yitt being carefull to be informed of the truthe," ordain the Justice and his deputies, after hearing the parties, to continue the diet if they find cause until 19th December, and to informe their Lordships that day of the state of the process and allegations on either side. Meanwhile they grant their protection to the supplicants until the 20th December, so that they be not troubled nor arrested before that date.

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

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

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

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

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

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

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

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

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

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

"Forsameekle as the Lords of Secret Counsell, having writtin their letters to the shireffs of Stirline, Clackmannane, Fyffe, Kinroscher, Renfrew, Argyle, Tarbet, Kincardin, Bamff, Elgine, Forres, Narnes, Cromartie, Caithnes, Orkney and Zetland, and to the bailies of Kyle regis, Lauderdaill and Cuninghame and to the stewartds of Strathern and Monteith, to have sent in to the saids Lords ane perfyte roll and list of the whole barons and landed gentlemen within the saids shireffdomes, bailiereis and stewartreis respective to the intent that out of these rollis choise might have beene made of suche persons as wer most meit to serve his Majestie and the estait as justices of peace, the saids shireffs, stewartds and bailleis hes slighted and neglected the direction sent unto thame in this mater and hes made no report at all of thair diligence and obedience, to his Majesties high contemp, hinder of his Majesties service and hurt of the countrie. Thairfoor the saids Lords ordains letters to be direct charging the shireffs, stewartds and bailleis particularie abonewrittin, thair deputis and clerkes to compeir personallie before the saids Lords upon the day of Januar nixtco or ellis to send in to the saids Lords that day ane perfyte list and roll of the haill barons and landed gentlemen within the bounds of thair offices respective to the effect abonewritten, under the pane of rebellion, etc., with certification etc."

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

The Lords for the better enabling of Fergus Grahame of Blastwood to take order for satisfying the claims of the Earl of Annerdaill for some annual rents due by him extend his former protection to 15th February next.

Complaint by David Robeson, bookbinder in Edinburgh, as follows:—

“Manasses Voutroller, also bookebinder, having to ensare the compleuner and urge him to serve him threatened and minassed him with ane pretendit captioun sinistrouslie purchasit be him againis the compleuner, and quhillk was suspendit and the suspension neglected and lost be him; quhairof the said Manasses having knowledge and taking his advantage thairof forced the compleuner for feare of imprisonment not onelie to give him satisfaction thairof bot be ane minute of contract or indentour to behind [sic] himselfe to his service for sevin moneths tyme after the date of the said minute, which is of the xvij day of March last; and that same day he gave the compleuner ane generall discharge, as the said minute having speciall relation to the discharge, and the said discharge also will testifie. Conforme to whiche minute and condition the compleuner entered to the said Manasses service, and having trewlie and dawlie served the sevin moneths agreed upon, the said Manasses, to find out some meanes to ensare the compleuner of new in his service, in a familiar conference betuix thame was advantaginglie affirming that in a short space he would beate ane greater number of strokes upon a booke than the compleuner knew he was able to doe. Whereunto the compleuner having soberlie anssuered that he could beate als manie strokes upon a booke in als short a tyme as he could, bot that he was not able to doe what the said Manasses had affirmed, for whiche onelie word the said Manasses than vowed he sould have the compleuner in prison the nixt morning, and according to his promise went and sought furth the caption whiche he had discharged and therewith caused apprehend the compleuner and putt him in clusse warid in the tolbuth of Edinburgh where not onelie [he] bot his wife and poore children, who wer interteanneb be his service, hes beene and ar redactto to suche miserie that they ar like to sterve.” Charge having been given to the said Manasses Vaultroller, and the pursuer compearing, as also the defender with Mr. Alexander Fouller, his procurator, the Lords, after hearing
parties, ordain the provost and bailies of Edinburgh to liberate the pursuer, in so far as warded on the foregoing cause, he having obliged himself to compear before their Lordships on 9th January next and underlie their pleasure in the matter under the penalty of £100.

Sederunt—Privy Seal; Lauderdale; Southesk; Tracquair; Melville; Edinburgh, 9th January 1634. Bishop of Dumblane; Clerk of Register; Advocate; Sir James Baillie.

"The whilk day the twa missive letters underwrittin direct be the Marquis of Huntlie to the Lords of Privie Counsell, the one anent brokin men coming throw his bounds and the other anent his persute of Johnie Toshe for the burning of Fendraucht, wer presented to the saids Lords and read in thair audience, of the whilk the tennour followes:—My verie honorabile good Lords, I receaved your lordships letters concernig the tymous payment of Tosheis modifie allowance and anent the taking of ane day for his tryell. As to the first, I have alreadie takin suche order as I hope sall give your lordships contentment, whairof M' James Fergusharson will informe your lordships in particular. As to the other point, the mater tuiches me so neere that if my health had served me I should have putt it to tryell er now, but seing the seasson of the yeere is not fiting for a man of my age and disease, as I hope your lordships will consider, L intend, God willing, in the spring of the yeere to come over and sett that processe so in order that it may come in the first convenient day of June nixtocon and by Gods grace not to leave it till the finall decision thairof. So to your lordships wise consideration heerin with the remembrance of my devoutfull service to your lordships I rest, your lordships most loving to serve yow, HUNTYRE.

Boig, penult Decembris, 1633.—My verie honorabile good Lords, I receaved your lordships letter whereby I perceave your lordships ar informed that I give connivence and is negligent in latting brokin lymmars pas through my bounds and carelesse in taking order therewith. My lords, I am sorie I sould be so expoune to your lordships, for there is none that sall be more willing within the kingdome to suppressse and take order with suche men (according to my power) then I sall be; lykeas it is weill knowin in thir parts what paines I have takin and caused take thir tymes bypass in appreheinding and executing some of these brokin men that wer takin in my bounds, for your Lordships knowwe what skaithe I have latelie receaved be suche men in lossing of my neir freinds and spoylling of my tennents whereby some of my roumes there ar waisted; so I will assure your Lordships I sall not be carelesse heerin, for I have givin speciall command and direction to my bailleis alreadie that no suche brokin men be suffered to haunt or repaire in anie of my bounds as they will be answerable to his Majestie and your Lordships, for there is nane that hes more reason than I have to
regrait the disorder of suche men, whilk I intend to shaw your Lordships at my over coming; and will humbelie intreate your Lordships not to beleve the misreports of my enemie heerin till your Lordships heare my selfe who sall ever be most willing in this and in anie other thing quherin I can serve your Lordships to give you contentment, as I sall ever remaine your Lordships most loving to serve yow, HUNTLYE. Boig, 22 December, 1633."

"The whilk day, in presence of the Lords of Secret Counsell, comperied personallie M'r James Ferquharsone, agent to the Marques of Huntlie, and actit and obeleist himself to make payment by himselfe and others to be appointed by him of the modification allowed to Johne Toshoeche, and that weekelie, ay and whil the said Johne be brought to his tryell or that the said M'r James be releaved and another deputed be the said Marques of Huntlie for payment of the said weekelie allowance."

[Sederunt as recorded above.]

Complaint by Walter Howesoun in the Fisherraw, as follows:—On 17th December last Patrick Edmonston of Wolmet and William Scott, bailie of Musselburgh, came to him on the highway as he was coming from Fisherraw to Edinburgh for his lawful business, "patt violent hands in his person, caried perfome with thame to the tolbuith of Musselburgh, where they keped him be the space of foure days and foure nights, and would not suffernone to come neere him to furnishe him meate nor drinke," he being his Majestie's free liege, and they having no commission for his apprehension. Parties being cited and all personally compassing, and they and their witnesses having been heard, the Lords find that the pursuer was " unorderedlie committed and deteaned in ward, without rebellion, upon the naked complaint of the said Patrick Edmonston," and they discharge the said bailie "of all summar committing of persons in tyme comming upon the naiked complaint of parteis craving lawborrowes, but upon letters of captioun proceeding upon their disobedience to find lawborrowes," and the Lords further ordain the Laird of Wolmet to pay ten merks to the pursuer for the procuring of his imprisonment.

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

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

“The like warrand grantit to Mr John Oliphant till Saturday come eight dayes againis anie of his brother Sir James Oliepant’s debts.”

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

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Wintoun; Edinburgh, Kingorne; Roxburgh; Annerdaill; Dumfreis; Southesk; Traquair; Bishop of Dumblane; Lord Lorne; Lord Areakine; Lord Melvill; Bining; Secretary; Clerk Register; Advocate; Sir J. Baillie.

“The Lords of Secret Counsell nominates and appoints the Erles of Winton, Roxburgh and Southesk, the Lord Lorne, the Secretar and Sir James Baillie or anie three of thame to convene and meet with the commissioners for the burrowes and to conferre and reason with thame and to assist thame with their best advice tuicheing suche things as ar
to be represented be thame to his Majestie concerning the increase of trade and libertie of fishing."

"Forsamekle as the termes and dyets appointed be the late act of Parliament for giving up the inventars of the moneyes dew to the lieges of this kingdome and subject in payment of twa of ten is now expired and in a maner the subjects hes slighted the saids dyets and few hes givin up their inventars bot hes willfullie incurred the danger of concealement, quhilk is the forfaltour of the haill rent or annuelrent of the moneyes dew to thame ather be band or wodsetts, quhilk wodsetts ar now by decreit and sentence of the Lords of Counsell and Sessioun found and declared to fall within the compas of the said act of Parliament; and whereas his Majestis officers ar loath to take advantage of the rigour of the law if the lieges will yitt in a dewtifulfull obedience give up their inventars, thatfor the Lords of Secret Counsell hes appointed and assigned and be the tennor of this present act appoints and assignes to the subjects all the dayes betuix the fyft day of Februar nixtocon and the last day thatrof for giving up of their inventars of all borrowed moneyes subject in payment of twa of ten, with certification to all suche person or persons who sall not in dew tyme give up their inventars of their borrowed moneyes within the termes foresaid that they sall incurrre the penaltie conteanit in the said act of Parliament; to witt, the losse of that termes rent or annuelrent whilk they sall conceale and not give up. And whereas these who hes alreadie givin up their moneyes or who sall hereafter give up the same within the termes and dyet foresaid delays to make payment of twa of ten answerable to their borrowed soumes, thatfor the saids Lords ordains, conforme to the said act of Parliament, that all suche as failyse to make payment of that which is dew to be payed be thame that they sall lykewayes incurre the pane conteanit in the said act; to witt, the payment of the triple of the taxation for eacche terme wherein they failyie; and ordains letters to be direct charging officers of armes to pas and make publication heirof be opin proclamation at the mercat croce of Edinbourgh and remanent heid burrowes of this kingdome, wherethrow none pretend ignorance of the same; and to command and charge all shireffs, stewarts, bailliefis of bailliereis, bailliefis of regalities and provests and bailliefis of free burrowes, everie ane of thame within their awne bounds and jurisdictions, to keep and hold their courts the dayes foresaidis; to witt, fra the fyft to the last of Februar, and to attend with their clerkes and members of court to the effect foresaid; and to command all his Majestis lieges who ar lyable in payment of the said taxation to repair to the saids courts, everie one within their awne bounds, and give up their several inventars and make payment of the said taxation conforme thatro to under the panes particularie abonewrittin, mentioned and conteanit in the said act of Parliament; to witt, they that failyseis to give up their inventars to incurre the losse of their rent or annuelrent for the terme of Martimes
last and they that hes already give up their inventors or shall give up
the same at the terms and dyets foresaid now appointed and shall not
make payment of the said twa of ten within twenty dayes after the
charge that they shall incurrence the triple of the said taxation."

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

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

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

Complaint by Alexander M"Claine, sometime in Barvenacks, and now
in Carisdouche, and Andrew M"Lunqua in Dowis, as follows:—On
May last Patrick Agnew of Barmail, John M"Crochert there, John
M"Keithie there, Fergus Liburne in Mekle Berintrae and John
M"Carnak in Mowres, with others their accomplices, armed with swords,
stakes and other invasive weapons, came to the lands of Barvenacks,
sought for the said Alexander M"Caine to have taken his life, but
missing him, “they medled with fyve of his sheepe, wirred sevin of the
same and hurt and woundit ane great number of his bestial.” They
then lay in wait for the said Alexander, and on his coming home to his
own house, “er evry he wes awar they gave him manie bauche, blae and
bloodie strailles with rungs upon the head and others parts of his bodie
to the effusion of his blood, felde him to the ground, pulled furth his
sword and threatened to kill him if ever he revealed this wrong; and
beacause he would not promise to doe the same they gave him a number
of wounds with thair saids rungs upon the head and left him for dead.”
Further, on September last the said Patrick Agnew “shamefullie and
cruellie persewed the said Androw M"Lunquha neere to his awne hous, being ane aged man, reft his cloake frome him, pulled off his breeks, doublet coate and shoes, tooke his purse and twentie pund therein frome him, hurt and woundit him with rungs and others weapons upon the head and others parts of his bodie to the effusion of his blood and perrell of his lyfe, thereafter kuist him in ane peitt pott where he had miserable drown if his wife had not happilie come furth and rescued him.” Charge having been given to the said Patrick Agnew, John McCrotchert, John McKeathie, Fergus Lilburne and John McCarnuck, Fol. 34, b. and the pursuers compereing personally, but not the defenders, the Lords, after hearing witnesses, find that the said Patrick Agnew, “hurt and woundit the said Alexander McClaine the tyme libellit and left him lying bleeding on the ground,” and that the said Patrick “strake the said Androw M"Lunquha the tyme libellit, tirred him and kuist him in ane peitt pott,” and therefore they ordain the whole defenders to be charged to enter in ward within the tolbooth of Edinburgh until order be taken with them for their insolence, on pain of horning. The Lords further ordain the pursuers equally between them to pay the witnesses, to each footman £10, and to each horseman 20 merks.

This day having been assigned to Mr. Alexander Fouller for exhibiting Fol. 35, a. Manasses Vaultroller, bookbinder in Edinburgh, before the Council, to underlie their pleasure for his unlawfully imprisoning David Robertson, bookbinder in Edinburgh, within the tolbooth thereof, and David Robertson comparing by Bessie Ramsay, his wife, but the said Manasses Vaultroller not comparing, the Lords ordain the provost and bailies of Edinburgh to put the said David to liberty, and that notwithstanding of any arrestments made upon him since 19th December last, as the date on which he was ordained to be put to liberty.

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

Edinburgh, 16th January 1634.

Supplication by John Cuming of Kirkton of Aberlemno, as follows:— He has an action of reduction and another of spuillzie depending before the Lords of Session against Robert Rollock of Bulgarro, on the success of which his whole standing and estate are involved and certain points of evidence have been referred to his oath. But Rollock, taking advantage Fol. 35, b. of his distressees, has raised letters of caption against him to debar him from attending and giving his oath and so to frustrate him of justice; and though the debts for which he has raised these letters are satisfied, he instigates his other creditors to deal rigorously with him. He therefore craves their Lordships’ protection; and this the Lords grant until the last day of March next.
"The like warrand grantit to Edward Johnestoun untill the said last of Marche; and another grantit to Johne Stewart of Coldingham for attending the valuation of the kirks of Coldingham untill the first of May next."  

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

Complaint by the King's Advocate and John Kennedy, notary, burgess of Ayr, against James Stewart, apparent of Halrig, for illegally raising criminal letters against George Cochrane of Newton in Ayr.
of sixty persons to pass upon his assize and caused charge every one of them to keep the said diet under the penalty of 100 merks, and then the said James and the two messengers dealt indirectly with these persons, promising that for some reasonable composition they should be warranted to remain at home, of which offer all of these poor men "being glad to be freed of that trouble seeing they had their harvest upon their head and the weather was so unseasonable that they could not travel," availed themselves, some giving £5 6s., some 5 merks, some a dollar and six shillings, some half a dollar and four shillings, and some 12s.; extending in all to over £100. At the reporting of the letters they gave in a roll of only seventeen assizes, and of these five or six had compounded, and twelve did not compear and were fined. Further, the said James, "not content with this coozening scasserie," caused extract the roll of the persons of assize thus fined and "misknowing the ordinair clerk who he is the charge of wrytting letters for the Thesaurarie, they address thameselves to Robert Wallace, Writer to the Signet, and dealt with him to write letters of horning" against these persons for payment of their fines, as at the instance of the said Deputy Treasurer, who never employed them in any such service, and having thus charged them, he is now dealing with these persons to compound for their fines, threatening them with horning if they refuse. "This is ane hevie burdein and a foule coozening policie wherewith his Majesties good subjects ar so mischantile abused and coosenned be the said James and his twa messengers foresaid, and if some exemplar order be not tane for trying and censuring heirof, numbers of his Majesties subjects throughout the hail kingdom will suffer by the like forme of doing." Charge having been given to the persons complained upon to compear, and the pursuers and John Howstoun compearing personally, but James Stewart and John Cooke not compearing, the Lords ordain James Stewart and John Cooke to be put to the horn and escheat, and continue the case of John Howstoun until Tuesday next, directing him in the meantime to attend his Majesty's Treasurer and Advocate anent this matter on the morrow in the Exchequer House.

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

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Winton; Edinburgh, 21st January 1684.
Kingorne; Annerdaill; Southesk; Tracquair; Areskine; Binning; Melvill; Secretary; Clerk Register; Advocate.

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

[Sederunt as recorded above.]

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

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

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

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Winton; Edinburgh,
Kingorne; Annerdaill; Lauderdale; Southesk; Traquair; 3rd January
Dumblane; Areskine; Binning; Melvill; Clerk of Register;
Advocate.

"Anent the supplication presented to the Lords of Secret Counsell be Sir
John Achinmowtie of Gosfurde makand mention that where he, as
master of his Majestie's warrob be his gift, is not onelie appointed
keeper of all his Majestie's warrob stuffes bot also of naperie, vessell,
fire warke and all other plenishing belonging to his Majestie houses
within this kingleme, qhilkls goods and geir foresaid wer all inventaire
be vertew of ane commission under his Majestie great seal of the date
at Whitehall, the threttene day of Apriile, 1626, direct from his
Majestic to ane certane number of the saids Lords to that effect, quhilk inventar is subscried with the supplieants hand, whereby the supplieant and his airs ar bound to make furthcumbermand euerie particular conteanit in the said inventar; and it is not unkonwne to the saids Lords that be vertew of thair warrand of Counsell upon the penult of May last the supplicant wes directed to give out of his custodie all and whatsoever plenishing belonging to his charge (except that whiche did concerne the wardrob); and being latelie desired be the Lord Thesaurar to goe to the storehou to take notice what things were wanting, he finds a great deale of losse so that he cannot undergo nor meddle with that charge without the saids Lords thair warrand and, renovation of his booke and inventar. Humbelie desyring thairfoir the saids Lords to deale with his Majestie for procuring of ane new warrand and commission whereby the supplieants charge may be renewed and that his booke and inventar may burdein him with no more nor the saids Lords sail see delvered to him; or to take anie other course heerin quhilk the saids Lords sail think most fitt for his Majesteis service and the supplieants exoneracion; lykeas at mair lenth is conteanit in the said supplication. Quhilk being read, heard and considderit be the saids Lords and they weill advised therewith, the Lords of Secret Counsell nominate and appoints and therewithall gives full power and commission be thir presents to Williams, Erle of Morton, Lord High Thesaurar of this kingdome, Johne, Erle of Annerdaill, David, Erle of Southesk, Johne, Erle of Tracquair, deputie Thesaurar, Thomas, Lord Binning, Sir Archibald Achesone, his Majesteis Secretar, and Sir Johne Hay, Clerk of his Majesteis Registers, or anie three of thame, the saids Lord Thesaurar or Deputie Thesaurar being one of the three, to consider the said supplicant his booke and charge, what part and portion thairof hes beene givin furth by warrand to particular officers, how muche thairof hes beene redelyvered and what is wanting, and accordinglie to renew and reforme the said supplicant his booke to, be the ground and warrand of his charge in tymne coming."

[Sederrnt as recorded above.]
Fergus, "who knew nothing of the same and never bestowed ane turner in raising or executing of the saids letters." The complainers never imagined that the said Earl would charge them as witnesses in this matter, seeing that at the making of the said bond, which was done in Edinburgh, the complainers were in Galloway and knew nothing about it. Nor could they imagine that the said Earl would seek an advantage against them at that time of the year, viz., September, when they behoved to attend their harvest. Nevertheless they have found caution, each in 300 merks, to appear before the Council this day as witnesses, and further in £100 to satisfy the Treasurer, Deputy Treasurer and Receivers of his Majesty's rents for their escheats if found liable to do so; in respect whereof they crave suspension of the horning. The pursuers complaining personally but the King's Advocate and Fergus Liburne, who had been cited as defenders, not compearing, the Lords suspend the said horning as craved.

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

"James Lyon of Aldbar and Lindsay, fear of Edyell, to be insert in the commission of the Justices of peace within the shire dome of Forfar."
Edinburgh, 28th January 1634.

Sederunt—Treasurer; Privy Seal; Murrey; Winton; Kingorne; Roxburgh; Annerdaill; Southesk; Traquair; Bining; Secretary; Advocate; Sir James Baillie.

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

Edinburgh, 30th January 1634.

Sederunt—Privy Seal; Mairsell; Murrey; Kingorne; Annerdaill; Lauderaill; Dumfreis; Southesk; Traquair; Bishop of Dun; Lord Bining; Lord Melvill; Secretary; Clerk of Register; Advocate; Sir James Baillie.

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

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

“Anent the supplication presentit to the Lords of Secret Counsell be Johne, Erle of Wemes, Mr Alexander Hamilton of Kinglassie and Alexander Bruce of Alveth, makand mention that where by ane act of Counsell of the dait at Halyrudhous, the 18 of July, 1631, the supplicants wer inhibite to receave anie dollers for coale or salt from strangers trading with thame, quhilk act they have been most carefull to obey and ar yitt verie willing that the same sould receave dew obedience, and for this effect they have at diverse tymes intimat the same to the saids strangers who trade with thame anent their coale and salt and have represented unto thame the danger and inconvenients that would ensew both to the
suplicants and thame by importing and bringing in the saids dollers; and now, as the suppliants ar informed, there is ane great number of strangers and speciallie Hollander arryved within the firth for buying of great coale from thame, who have the most part of their provision and stolling in dollers, it being impossible to thame, as they affirme, to import within this countrie gold or other species of coyne allowed to have course heere, and that in respect of the great skarsetie of these moneys in their swne countrie: Humbelie desyring thairfoir the saids Lords to take suche present course and order in this mater as the suppliants be not cassin louse from trading with the saids strangers to the undoing of their coale warke and hall estat, quhiliks by that trading ar uphaldin and maintained and without the quhilk not onelie saill they heavlie suffer but also great nombers of the countrie people who live by thair saids workes will be brought to beggerie; lykeas at mair lenth is constat in the said supplication. Quhilk being read, heard and considderit be the saids Lords and they advised therewith, the Lords of Secret Counsell upon considerable respects hes givin and grantit and be the temour heirof gives and grants libertie and licence to the saids suppliants to receave payment in dollers from the strangers come heere in the lait fleit presentlie lying in the Firth at the ordinar rate of livii 8 for the coale and salt to be sold be the saids suppliants to thame without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding of the act of Counsell and proclamation made and published in the contrare; whereaenent and all panes conteanit therein the saids Lords dispenses be thir presents in the particular abone-written allanerlie, but prejudice alwayes of the said act of Counsell and proclamation published thereupon and panes therein conteanit to be incurred be the contraveenners in tyme coming in caise of new contravention.”

[Sederunt as recorded above.]

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

“The protection granted to Fergus Graham of Blaatwod prorogat till the first day of Marche nixt in so farre as concerns the Erle of Annerdaill.”

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

Direction to William Gray and Mr. Alexander Guthrie to meet with the commissioners of the burrows anent the estat of the coyne current in the kingdome and to sett down in writt their advice and opinion anent the course of dollers and how the abuse thairof may be most convenientlie remedied and good moneys imported within the kingdome, and what they crave to be reformd in the order of payment of the bulycoun, cownyage thairof and officers wages dew for the same, and to report their opinions thereanent to the saids Lords upon Thursday nixt at nyne of the clocke in the forenoon in the laich counsel hous of Edinburgh; and ordains the officers of the cunyichous to be warned to that dyet.”

Sederunt—Chancellor; Treasurer; Winton; Roxburgh; Annerdaill; Lauderdaill; Dumfreis; Southesk; Tracquir; Lord Lorne; Clerk Register; Advocate.

“The Lords of Secret Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented to the saids Lords and read in thair audience, receaved and admitted Williame, Bishop
of Edinburgh, to be one of the Privie Counsell of this kingdome and to bruike and injoy all the honnours, priviledges, dignites and immunitis proper and due to that place; lykeas the said William, Bishop of Edinburgh, being personallie present and acknowledging with all humble and dewful respect his Majesties gracious favour shawn unto him in preferring and advancing him to this place of honnour and dignitie, he with all dew reverence on his knees, his hand lying on the halie evangell, made and gave the oaths of allegiance and a Privie Counsellor. Followes his Majestis missive for warrand of the act abonewritten:—CHARLES R.—Right trustie and right weilbelovit counsse and counselle, right trustie and right weilbelovit counsines and counsellors, right trustie and right weilbelovit counsellers, and trustie and weilbelovit counsellers, we greet yow weill. Being informed of the sufficiencie of our right trustie and weilbelovit William, Bishop of Edinburgh, and of his affection to our service, we ar moved in regarde 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; thairfoir our pleasure is and we doe hereby require yow that, having administrd unto him the oath accustomed in the like eaises, yow admitt him to be one of your number, for doing whairof these presents sall be your warrand. From our court at Whitehall, the 18 of Januarie, 1634."

Sederunt—Treasurer; Bishop of Glasgow; Winton; Kingorne; Edinburgh, 4th February Annerdail; Lauderdaill; Dumfreis; Tracquair; Bishop of 1634.
Murrey; Bishop of Ros; Bishop of Dumblane; Lord Lorne; Areskine; Melvill; Clerk Register; Advocate.

"The Lords of Secret Counsell nominate Thomas, Erle of Hadintoun, Lord Privie Seale, John, Erle of Lauderdaill, David, Erle of Southesk, John, Erle of Tracquair, John, Bishop of Ros, Archibald, Lord of Lorne, Sir John Hay, Clerk of Register, and Sir Thomas Hope of Craig- hall, Advocat, or anie twa of thame with the Lord Privie Seale, to meet and conferre with Sir John Scot, Directour of the Chancellarie, anent the prices of his office, and to try what hes beene customable takin in his uncles and his awne tyme and what prices he now takes, and to report to the Lords what they find therein."

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

1 William Forbes, first bishop of Edinburgh. "His patent from the King, to be the first year on the first day of April following." Cat. bishop of Edinburgh," says Keith, "bear date of Bishops, 60-1.

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termes payment of the taxation grantit in the 1625 yeere of God for his lands lying within the regalitie of Brouchtoun and parish of Fawkirk, extending in the haill to the soume of 794 fl. xviij s. money, the said Erle made payment to umquhile Archibald Prymrois, clerk of the taxations, who had power, warrand and commission frome the collector of the said taxation to uplift the same and to grant acquittances thereupon, of the soume of 454 fl. iiiij s.; and as for the remanent of the said soume extending to 340 fl. xiiij s., the said Erle by a suspension purchas be him againis the said charge consigned the said soume in the hands of Archibald Prymerose, lykeas umquhill David Crichton of Lugton, Thomas Kincaid of Wareiston, and some others fewers of the baronie of Brouchtoun being charged be letters raised at the instance of the said Sir Williame to make payment unto him of some certane soumes of money for their parts of his releefe of the twa taxations abonewrittin, the saids persons by ane suspension raised by thame consigned the soumes of money following in the hands of the said Archibald Prymerose, viz., the Laird of Lugton the soume of xix fl. xvj s. viij d., Thomas Kincaid of Wareiston xlij fl. xiiiij s. iiiij d., Thomas Fleeming and the provest, bailieis and counsell of Edinburgh xxvj fl. iij s. iiiij d., umquhill M' John Jacksome ix fl. iij s. iij d., James Duncane of Ratho xxvj fl. xvij s. viij d., Fol. 258, a. Alexander Heriot, burges of Edinburgh, v fl. xvij s. x d., the provest, bailies and counsell of Edinburgh for the mylnes of Bonytoun x fl. xvij s. x d., and for the lands of Lochflat xxxvj fl. iij s. iij d., umquhill Patrik Eleis ix fl. iij s. iij d., umquhill Johnse Byres xlj fl. v s. iij d., M' James Watson iij s. vj d., William Socyt v fl. xvij s. viij d., and Katharine Vauns vfl. vj s. Qhillks twa suspensions being callit, to witt, the one upon the xxij day of July, 1628, and the other upon the xxiiiij of Februar, 1629, the Lords of Counsell and Sessioun, in respect of the consignations forsaids, suspended the letters abonewrittin and ordained the consigned monies to be givin up to the said Sir Williame Bannatyne, excepting allanerie the soumes consigned be the said toun of Edinburgh, as the twa decreits givin heirupon at lenth beiris. And whereas it pleased God to call the said umquhill Archibald frome this lyfe before the consigned monies forsaids wer givin up, and that now the said Erle is burdened be the collectors of the saids twa taxations with payment of the consigned monies abonewrittin, and he knowes not whome to crave nor againis whome he can have anie execution, seing there is nane to represent the said umquhill Archibald; and whereas it is againis equitie, reason and justice that the burdein of these consigned monies sould ly upon the said Erle and that he sould be troubled for payment of the same; humbelie desyring thairfor the saids Lords to give command and warrand to the collectors of the saids twa taxations and to the auditors of thair compts in maner and to the effect following, lykeas at mair lenth is contenait in the said supplication. Qhillk being read, heard and considderit be the saids Lords and they finding the desire of
the said supplication reasonable, that for the saids Lords ordains and commands the collectors of the saids twa taxations to defend and allow to the said supplicant, in part of payment of the tax of the baronie of Brouchtoun for the twa taxations abonewritin', the hail manyes abonespencefeut, consigned and containit in the twa decreits foresaid, excepting always the soumes foresaid consigned be the said town of Edinburgh; and siclyke ordinates the auditors of the saids collectors thair comptes to allow the consigned manyes abonespencefeut in thair comptis, quhareasenent the extract of this act sall be to thame a warrand."

[Sederunt as recorded above.]

Complaint by Sir John Hay of Baro, Clerk of Register, as follows:—

"By the libertie and priviledge of his place and office the keeping of all the registers of the Chancellarie is dwe to him and the extract thatour maucht onelie to pas by the said compleuner." He had informed Sir John Scot, Director of Chancery, of this, and dealt with him for the delivery of his registers "to be put in his Majesteis register and keepe there," but Sir John Scot "makes some scruple and difficultie to deliver the said registers without the saids Lords thair warrand." The complainer compearing personally and Sir John Scot compearing by John Scot, his son, and parties having been heard, the Lords ordain Sir John Scot to deliver to the said Clerk Register "the registers of all heretable impositions and seasing being in his charge and keeping, to the intent the same may be put in his Majesteis Register and there be keepe be the said pers sewer according to the right and dewtie of his place, he giving to the said Sir Johne his ticket and discharge upon the receipt of the said registers"; seeing Sir John could assign no reasonable cause why this should not be done.

This day, in presence of the Lords of Privy Council, compaired personally John Leslie, younger of Pitcaple, and taking burden on him for John Gardin, son of the Laird of Blackfuird, elder, and all others who might lawfully "be challenged and burdeined for the slaughter of umquahill James Leslie, alias Robertson, sometymes servant to William Seatoun of Meldrum," and also compaired personally the said William Seatoun, taking burden upon him for Margaret Leslie, widow of the said deceased James Leslie, William Leslie, his brother, and all others his kin and friends (the said Margaret Leslie being also personally present) and submitted the question of the ascithement to be paid to the said widow and her children to the judgment of George, Earl of Winton, and Archibald, Lord Lorne, with John, Earl of Kincorth, as overseer in case of variance, who accepted the nomination and promised to give their decision thereupon before 15th March next. In respect whereof the Lords ordain that the criminal diet appointed to Mr. William Hay of Badinspeck, Alexander Garne of Blackfuird, and John Garne, his brother,
to compear before the Justice and his deputies in the tolbooth of Edin-
burgh on 14th February instant in this matter, be continued until the
first Tuesday of June next, caution being taken of them for their appear-
ance then. And because the said Margaret has been drawn to this
burgh to defend against the said Mr. William Hay and Alexander
Gardin in their action of precognition touching the form of the said
slaughter, the Lords ordain the Laird of Pitcape, who was personally
present, to pay to her £40, as she has thereby incurred great
expense.

Complaint by Robert Lammert, flesher in Kingorne, as follows:—On
August last he was apprehended on letters of caption at the instance
of Janet Davidsoun as widow, Christian and Margaret as children, John
Dow as father, Christian Shortes as mother, William Dow, indweller in
Dunfermline, as brother, and the remanent kin and friends of the
deceased Thomas Dow in Dunfermline, for the alleged slaughter of the said
Thomas. He remained a long time in ward in Kingorne, but not being
able to maintain himself there the bailies brought him over to Edinburgh
in September last and dealt with the Justice deputes to take him off their
hands and put him to his trial. This they refused to do as they knew
of no prosecutor. The bailies thereupon represented the matter to their
Lordships, who committed the complainer to the tolbooth of Edinburgh
and ordained him to take out letters against his party either to put him
to trial or consent to his release. Parties being cited and the pursuer
compearing personally, and also the said Janet David [sic], she took the
25th February instant for prosecuting the pursuer before his
Majesty's Justice for the slaughter of her husband; whereupon the pur-
suer asked instruments.

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

Sederunt—Privy Seal; Glasgow; Winton; Annerdaill; Dumfreis; Edinburgh, Southesk; Bishop of Murray; Bishop of Ros; Bishop of Dumblane; Lord Lorne; Lord Areskine; Lord Melvill; Clerk Register; Advocate.

The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the whilk the tennour followes:
—CHARLES R.—Right trusty and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousins and counsellors, right trustie and weilbelovit counsellors, we greet yow weill. Understanding that, though our right trustie and right weilbelovit cousine and counsellor, the Marques of Hamilton, collector of our late taxations and of twa of ten for eache hundreth of annuelrent money payable by the borrowers to us, hath beeene carefull during the tym of his being there to remove all impediments whiche may frustrat us of the benefite intended for us by the acts made theremainent, yitt there ar manie (as we ar crediblie informed by the said Marques) who agonis the dewtie of good subjects, not affecting the good of our service hererin, endeavoure by all means to defraude us of the said benefite by changing or antedating thair bands or otherwayes to prejudige us; in regard such persons doe merite severe punishment whereby others may be terrified from committing the like hereafter, our pleasure is that whosoever anie person sall be cited before yow for suche crymes yow proceed with expedition to thair tryell by examining of the notars and witnesses who ar thought to be accessory to thair proceedings, and that yow use all other lawfull means whereby the same may be tryed, that according as yow find thame guiltie yow caus punishe thame exemplarlie to the terrore of others, conforme to the lawes of that our kingdome. Which speciallie recommending to your care, we bid yow farewell. From our court at Whithall, the 25 of Januarie, 1634. Quhilik missive being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secret Counsell ordains and commands Sir Thomas Hope of Craighall, his Majesties Advocate, to proceed upon information to be givin to him to the persute of the persons guiltie of the crymes conteanit in the said letter. Quhere-
upon his Majesteis said Advocate having declared that he was informed
that David Beatsone of Cardon had offended in that kynde, the said
Lords ordains the said Advocate to persewe the said David,"

[As recorded above.]

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

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

Complaint by William Home, sometime in Chirnside Mylne, as
follows:—Upon a complaint made to their Lordships by John Home of
Plewlands and John Miller, his servant, for hurting of the latter, the
complainer was imprisoned in the tolbooth of Edinburgh for three days and
ordained to find caution, but whether to the said John Miller or John
Home he knows not. Now, the prosecution of the complainer was most
unjust, for John Home only intended to dispossess him of his mill of
Chirnside, "whairof he craftlie acquired ane pretendit minute of ane
contract from the Erle of Home in England in lecto agritudinis; so the
compleauer did nothing to the said Johne Miller at that tyme bot onelie
stopped him and saxeiners of his complices who violentlie come in
fear of warre at the direction of the said Johne Home to dispossesss him
of his said mylne." He has already found caution in the Books of
Session to the said John Home for his indemnity, but for the present he
is quite unable to find any further caution, as since the complainer's im-
prisonment John Home "hes violentlie extruded his wife and bairnes
furth of the said mylne and would not suffer them to carrie anie thing
away with thame bot hes redacted thame to beggarie." No man will
now become cautioner for him. Moreover, he has been now about four
months in ward,—a term of imprisonment far exceeding the demerit of
his offence—and he is thereby prevented from obtaining justice
against John Home and is like to starve for famine. Reason and
equity therefore require that he should now be set at liberty. Deoct., November 1633-April 1635. Fol. 49, a.

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

Edinburgh,
7th February 1634.

Sedemunt—Treasurer; Privy Seal; Glasgow; Winton; Annderdaill; Lauderaill; Kingorne; Southesk; Tracquair; Lorne; Areskin; Bishop of Murrey; Bishop of Ros; Bishop of Dumblane; Clerk Register, Advocate.

The Director of Chancery.

"An act in favor of Sir John Scot enant the prices of his office."

Edinburgh,
11th February 1634.

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

Letter from his Majesty's a muster master-general.

The whilfik day the missive letter underwrit, 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 followes:—Charles R.—Right trustie and right weilbelovit counselle, right trustie and weilbelovit cousines and counsellors, and
right trustie and wellbelovit counsellors, we gret yow well. Whereas in our late parliament holdin in that our kingdome the office of mustourmaister generall was ratified as a purpose verie necessarie for the good and honnour thairof, the consideration of the fee for discharging that service and the meanes for leveying thairof being by ane act of that court remitted unto yow and recommended by us in a speciall maner; our pleasure is that yow proceed according to the said act, having always a speciall care both that the said charge be putt in execution in the most convenient way for the good of that kingdome and lykewise that the nobleman to whos care the overseing of it is entrusted by us may be encouraged to it by a good and competent allowance to be leveyed in suche kynde as yow saill thinke most fitting. Whiche recommending to your speciall care we bid yow farewell. Frome our court at Whitehall, the 22 of November, 1633. Qhillik missive being read, heard and considerit be the saids Lords, they ordained letters to be direct to the burrowes of Edinburgh, Dundee, Perth, Glasgow and Aberdeene and to the shireffs of Edinburgh, Fyffe, Hadinton, Perth, Forfar, Kinocardin and Aberdein, willing thame to send thair commissioners hither from thair burrowes and shires respective to the saids Lords upon the xviiij day of Marche nixt to give thair advice anent the bussines abone-writtin."

"Anent the supplication presented to the Lords of Secrete Counsell be Sir John Scott of Scottistarvet, knight, Director of our soverane lords Chancellarie, makand mention that where in the 1606 yeere of God when the supplicant was minor and that his umquhill uncle exerced the directorie of the Chancellarie, the Lords of Privie Counsell for the tyme sett doune a booke of rates conteaning the prices of all writtes and scales that sould be take from the lieges in all tyme thereafter, and the clerkes of the Session, writers to the signet and others clerkes and keepers of scales wer warned to the setting doune of thir prices; but the suppliants said umquhill uncle, knowing that how soone the supplicant come to majoritie he would claime the right of his awne place and office, he being thairfoir carelessse what sould become of the same and of the prices to be modified and sett doune thereanent he never sollicited the Lords therein nor did not so muche as once to kythe or opin his mouth in that earand, and so by his silence and carelessse and negligent connivence the saids Lords sett doune the prices of all writte passing the Chancellarie in a farre lower degree and measure nor formerlie wes payed for the same; and how soone it pleased God that the supplicant acquired the right of his owne office and wes posseth therein and finding a sensible prejudice done to him anent the prices of writte passing his office be the negligence and silence of his uncle who posseth the same for the tyme, the said supplicant petitioned the Kingis majestie in the moneth of Februar, 1626, that a commissione and reference might be givin to the commissioneirs for the greevances to take to thair consideration the prejudice done..."
to the supplicant in the saids prices. Lykes at that same time his Majestie by his letter directed to his exchecker declared that it was his royall pleasure that the saids prices concerning the supplicants said office sould be satiled be the saids commissioner and in the mane tyme that he sould be suffered to take the accustomed prices; since quhilk tyme the commissioners for the greevances never mett in judgement, and upon occasion thairof the supplicant still lyes under the censuare of the said act of Counsell made in his minoritie. Quhereupon the said supplicant humbelle petitioned his Majestie and his Estats conveened in the lait parliament, and they having tane the supplicants petition to their consideration they remitted and referred the decision and determination of his petition with the modification of the prices conteantit in the same unto the saids Lords to be sett down and determined be thame, quhilk determination his Majesty and his Estats declared sould stand as ane constant modification in all tyme thereafter and sould have the force, strentch and power of ane Act of Parliament, as the said reference shawin to the saids Lords of Privie Counsell beiris. And trew it is that by a constant and uncontrolled rule observed in all tyme bygane in the Chancellarie anent the prices of all writts and evidente passing that office the halfe of the price that is payed at the great seal or the double of the price of the privie seal has ever beene the price of writts passing from the Chancellarie to the great seal never heertore querrellit; and there is not a subject in the kingdome that will or can compleane upon the supplicant for breaking of this rule or for exceeding the prices therein observed; and for the prices of others writts the supplicant hes heir sett down the same to be considerit be the saids Lords; to witt, all commissions passing the quarter seal for serving of breaves in favors of ane erle or lord xiiij li. vj s. viij d., in favors of a baron vj li. xiiij s. iiiij d., in favors of a burges or yeaman iiiij li. vj s. viij d.; ane tutor dative under the quarter seal for a mane person iiiij li. vj s. viij d., for a baron vj li. xiiij s. iiiij d., for a lord of parliament x li.; ane presentation upon foretallour or bastardrie of lands or annuelrente of small availl within brugh-iiij li. vj s. viij d., of great availl vj li. x iiiij s. iij d.; ane brieve or attorney to a lord of parliament xxvij s. viij d., to a baron xiiij s. iij d., to a burges or yeaman vj s. viij d.; the registration of a retoure to a lord of parliament xl s.; the precept of a retoure under the quarter seal, of a baronie of land x li., of other small lands haldin of his Majestie v li. vj s. viij d.; precept of land within burgh haldin of a superior iiiij li. vj s. viij d.; and for the rest sache of thame iiiij li. vj s. viij d.; ane summonds of error of small availl under the quarter seal vj li. xiiij s. iij d., and of great availl x li. Thir being the prices whereby the supplicant rules his office, he thairfor humbelle represents the same to the saids Lords thair consideration, that by act of Counsell he may be allowed and warranted to take thir prices in tyme coming, quhilk ar so moderat as he perswades himselfe that no subject can or
will oppose himself thereto; lykeas at mair lenth is conteanit in the said supplication. Qhubilk being read, heard and considerit be the saids Lords, and they being carefull to be weill and trewlie informed of the estait of this bussines and what wer the prices payed of old in the said Sir Johne his late uncles tyme and sensyne in his awne tyme for infeftments and others writts concerning that office, the saids Lords for this effect appointed a committee of sone of their awne nomber to try and examine this mater and to report to the saids Lords what they could find therein. Qhubilkis persons of the committee having at diverse meetings at lenth conferred heirupon, and having callit before thame certane of the writters to the signet and agents of longest experience and best knowledge in maters of this kynde, and having examined thame upon oath concerning the saids prices, and having reported thair depositions in writt under thair hands to the saids Lords of Secrett Counsell, who wer this day conveeneen in counsell in a frequent nomber, and the saids Lords having conferred the saids depositions of the writters and agents and prices depouned be thame with the prices foresaids sett doun be the said Sir Johne in this his supplication and they being therewith weill advised, the Lords of Secrett Counsell finds and declares that there hes beene no materiall change in the prices of the chancellarie tane be the said Sir Johne since his entrie to that office fra the prices tane in the tyme of his said lait uncle, bot that the said Sir Johne hes keeped a good mediocrity and behaved himselfe discreetlie and respectivlie therein; and to the intent that all mater of question and contestation anent the saids prices may heirafter be removed and that persons take not occasion without ground or reason to scandall and reproache the said Sir Johne thereanent the saids Lords hes appointed, modified and sett doun and be the tenor of this present act appoints, modifieis and setts doun the prices following as a constant rule and order to be observed and keeped in the chancellarie be the said Sir Johne and his successours and to be tane be thame in all tyme heirafter for infeftments, letters and writts passing at the chancellarie; that is to say, for infeftments, confirmations and others writts passing directlie frome the chancellarie to the great seal with the precept raised thereupon, registration of the same, and for the quarter seal to be appended to the precept, the halfe of the price dew to be payed for the great seal; and that all commissions for serving of brevies in favors of ane erle or lord of parliament sall pay xijj li. vij s. viij d., in favors of a baron vj li. xijj s. iiiij d., in favors of a burges or yeaman iiiij li. vj s. viij d., tutorie datives in favours of a lord of parliament, ten punds, in favors of a baron vj li. xijj s. iiiij d., in favors of a meane man iiiij li.; and if there be moe puppis in the tutorie nor one, to pay the halfe of the price sett doun upon the severall qualitieis of the puppis foresaid per capida; presentations upon forefaltour or bastardrie of lands or annualrents of small availl within burgh iiiij li. vij s. viij d., and of great availl vj li. xijj s. iiiij d.; ane breeve or attorney to a lord of
parliament xxvj s. viij d., to a baron xiiij s. iij d., to a burges or yeaman
vj s. viij d.; registration of a retoure fourtie shillings; the precept of a
retoure under the quarter scale of a baronie of land ten pundis, and of
other small lands haldin of his Majestie fyve pundis; precepts of land
within burgh haldin of a superior iij f. vj s. viij d., and for all other
precepts following thereupon iij f. vj s. viij d.; a summonds of error of
small avaiull under the quarter scale viij. xiiij s. iij d., and of great avaiull
ten pundis. And the saide Lords ordains the Director of the Chancellorie
and his successours to furnishe parchement to all infeftments, summonds
of error and others writts queillks may be conteanit and writtin within
the bounds of a through of paper, and where the infeftments, summonds
of error and others writs ar of large extent and bounds the parchement
to be furnishe be the parteis; and alsua ordains the Director of the
Chancellorie and his successors to furnishe walxe and parchement to all
attorneys and breeses, and that the walxe for the quarter scale and
great seal be furnishe be the parteis.”

[Sederunt as recorded above.]

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

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

"The like warrand grantit to Sir George Home of North Bervick for selling of his lands to pay his creditours untill the said terme of Wit- Similar protection to Sir George Home sonday nxt." of North Berwick.

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

"Missives to the commissioners for surveying of the lawes to compeir before the Counsell upon the ellevant of Marche to accept the commissioun upon thame. The counsellers present warned apud acta."

Sederunts, November 1632—January 1633. Fol. 115, b.

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

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

Complaint by James Clerk, indweller outwith the West Port of
Edinburgh, as follows:—Robert Young, maltman, alleging that Margaret
Crawfurd, his servant, took out of his house in Edinburgh certain goods
in August or September last and gave the same in keeping to Agnes
Clerk, the complainant's daughter, who was then servant to Robert
Gordoun, and also alleging "that after ryping made be John Lowrie,
baillie of the baronie of Innerleith, there wes found of the said Robert
Young's goods in the compleaners hous a cod, codwair, and twa servitvs,
not worth xxxiij scottish, quhillks the rypers with their awne hands
took away with thame, albeit it be most trew that the saids cods, cod-
wair and servitvs were trewlie layed in pledge to the said Agnes Clerk
and givin be her in custodie to the said James Clerks wife quhill the
same had beene lousd be payment of xxx scottish, or thereby," with advice of
the said bailie, his kinsman and friend, and one who for several years
past has manifested great enmity against the compleuner, as all the
inhabitants of the West Port know, caused summon the compleuner to
compeer before the said bailie in his court to pass upon the assise of one
Duncan Simsonn "for a bloodshed," and then without any citation or
indictment given to the compleuner the said James "instantlie made up
ditty aganis the compleuner as a ressetter of the saids goods that the said
Robert Young alledged he wanted, and whereof they alledged they fand
a part in the compleaners hous; and refusing always to heare anie
reasoun did remitt the compleuner and the forged dittay aganis him to the
knowledge of anie inquest or assize, and as he is informed, hes caused
convict and fyle him of a ressett, albeit it be most trew that there wes
never a thieve followed nor declared in the said mater, and that the
Complaint by William Maxwell of Monreith, as follows:—Upon a horning raised against him in the borrowed name of Fergus Lilburn in Berintrae, but really by and at the expense of Alexander, Earl of Galloway, for not compearing before their Lordships as a witness in an action by the said Fergus against John McCulloch of Ardwel, about a band alleged to have been extorted from the said Fergus by the said John, the said Earl raised letters of caption, and on Friday last, while the complainer was attending his lawful pursuits before the Lords of Council and Session, caused apprehend him in the Exchequer House and warded him in the tolbooth of Edinburgh, where he presently remains. This he has wrongfully done, because the complainer never received a lawful charge to compear in the case foresaid or he would have obeyed, and he has found caution to appear before their Lordships this day as a witness in the said case under the penalty of £100 and to pay £100 for his escheat to the Treasurer, Treasurer Depute and Receivers of his Majesty's Rente, if he be found liable so to do. Charge having been given to the said Fergus Lilburne, and to Sir Thomas Hope of Craighall, his Majesty's Advocate, for his Majesty's interest, and the pursuer appearing personally, but none of the defenders, the Lords suspend the horning against the pursuer, he finding caution acted in the books of Privy Council in 300 merks that he will appear before their Lordships in the above matter whenever lawfully cited.

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

“A letter from his Majestie for a ratable imposition to be levied and takin up for a competent stipend and dwellinghouse to every minister of Edinburgh according to the proportiouin and maill of the toun of the said burgh. The Lords ordains the provest and bailies of Edin- burgh to be warned to Tuesday and a copie of the letter to be delivoured to thame for their better information and answer.”

“Ordains Alexander Dunbar, sone to Robert Dunbar of Mynes, to remaine in toun quhill he find cautien for the indemnitie of Archibald Torrie, messenger, and to compeir this day aucth dayea.”

Sederunt—Chancellor; Treasurer; Privy Seal; Mairshell; Rox- burgh; Annerdaill; Lauderdaleill; Southesk; Lord Areskine; Clerk Register; Advocate.

Edinburgh, 18th February 1634.

Letter from his Majestie desiring that a tax be imposed on Edinburgh for the support of the ministers of the said burgh.

Alexander Dunbar, son of Robert Dunbar of Mynes.

Edinburgh, 14th February 1634.

“The quhilck day a letter wes produced from his Majestie tuicheing the New Scotland, furtherance of the plantation of New Scotland and ane act past thereupon accordinglie.”

“The quhilck day the Chancellor, Thessaurar, Privie Seale, Mairshell, Ament the same.

Roxburgh, Annerdaill, Clerk Register and Advocat accepted upon thame the commission grantit unto thame under his Majestie great seale dated at Theobalds, 14 Septembris, 1633, for passing of infeftments of New Scotland.”

Sederunt—Chancellor; Treasurer; Privy Seal; Mairshell; Rox- burgh; Annerdaill; Lauderdaleill; Southesk; Lord Areskine; 18th February 1634.

Clerk Register; Advocate.
Act of Council, "Forsake as his Majestie late deir father of blessed memorie for
the honour of this his ancient kingdom of Scotland did grant the first
patent of New Scotland to his Majestie right trustie counsellor and coun-
seller William, Erle of Stirline, and was willing to conferre the title of
knights baronnet upon suche of his weil deserving subjects as should con-
tribute to the advancement of the worke of the plantation in the said
countrie, his Majestie was pleased to give order for effectuating of the
same, according to his commissioun directed to the Lords of Privie Coun-
sell for that purpose. And his Majestie understanding perfitely that
the said erle did begin and prosecute a plantation in these parts with a
farre greater charge than could be supplied by the meanes foresaid and
the rather in regard of the late discouragement of some by his Majestie
commanding the said Erle to remove his colonie frome Port Royall for
fulfiling of any article of the treatie betuix his Majestie and his brother
the Frenche king, to make everie thing betuix thame to be in the estait
wherein it was before the warre, bearing that there was a rumour givin
out by some that his Majestie had totallie left his purpose to plant in
that countrie as having surrendered his right thairof; and thairfor least
anie further mistaking could arise heerupon his Majestie hes thought
good heirby to cleere his intention heerin; whiche is that the said erle
with all suche as sall adventure with him sall prosecute the said worke
and be encouraged by all lawfull helpes therefore at alsweill by compleating
the intended number of baronnets as otherwayes. And whereas some of
the subjects of the kingdome of England and Ireland of good qualitie,
who, having takin land in New Scotland haldin of his Majestie, did
accept of the said dignitie there, and wer obliged to contribute als muche
toward the said plantation as anie others in that kynde, wer putt to
greater charges at the passing of their rights than the natives of this
kingdome wer at in the like caises, thairfor his Majestie hes thought
meit heirby to declare his royall will and pleasure that whenssoever anie
of his Majestie subjects of qualitie fitt for that dignitie within the
kingdoms of England or Ireland, having takin land haldin of his
Majestie in New Scotland and having agreed with the said erle for part
of a supplee towards the said plantation and that it is signified so by
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him to the saids Lords of Privie Counsell that till the number of
baronnets formerlie condescended upon be compleit the saids Lords sall
accept of thame and give order that their patents be past at als easie a
rate as if they were naturall borne subjects of this kingdom. And the
saids Lords ordains letters to be direct charging officers of armes to pas
and make publication heirof be opin proclamation at the mercat croces
of the heid burrowes of this kingdome and others places neidfull where-
throw none pretend ignorance of the same. Followes his Majestie
missive for warrand of the act abonewritten:—Charles R.—Right
trustie and right weilbelovit cousine and counsellor, right trustie and
right weilbelovit cousines and counsellers, trustie and weilbelovit coun-
sellers, and trustie and weilbelovit, we greit yow weill. Whereas our lait deir father for the honnour of that his ancient kingdome did grant the first patent of New Scotland to our right trustie and right weilbelovit cousine and counsellor, William, Erle of Stirling, and was willing to conferre the title of knight baronnet on suche of his weill deserving subjects as sould contribute to the advancement of the worke of the plantation in the said countrey, we wer pleased to give order for effectuating of the same according to our commissioun directed to yow for that purpose. And understanding perfytalie (as we doubt not but is weil knoame to yow all) that the said erle did begin and prosecute a plantation in these parts with a farre greater charge than could be suppleed by the meanes foresaid and the rather in regarde of the late discouragement of some by commanding him to remove his colonie frome Port Royall for fulfilling of ane article of the treatie betuix our brother the Frenche king and ws to make everie thing betuix us be in the estait wherein it wes before the warre, hearing that there wes a rumor givin out by some that we had totallie left our purpose to plant in that countrey as having surrendred our right thairof; least anie further mistaking sould arise heerupon we thought good heirby to cleere our intentioun therein, whiche is that our said erle with all suche as sall adventure with him sall prosecute the said worke and be encouraged by all lawfull helpes thereunto als weill by compleiting of the intended number of knight baronnets as otherways. And being informed that some of our subjects of good qualitie in this our kingdome and Ireland who having takin land in New Scotland haldin frome us did accept of the said dignitie there and wer obliged to contribute als muche toward the said plantation as anie other in that kynde wer putt to greater charges in passing of their rights than the natives of the kingdome wer in the like caise, it is our pleasure that whersoever anie of our subjects of qualitie fitt for that dignitie within this our kingdome or of Ireland having takin lands holdin of us in New Scotland and having agreed with our said erle for their part of a supplie toward the said plantation and that it is signified so by him unto yow, that till the number of baronnets formerlie condescended upon be compleit yow accept of thame and give order that their patents be past at als easie a rate as if they wer natural subjects of that our kingdome. And this yow make knoame to suche persons and in suche maner as you sall in your judgements think fitt, for doing whairof these presents sall be your sufficient warrand. Frome our court at St James, the 27 of September, 1633."

"The whilk day George, Erle of Kinnoull, Lord High Chancellor, William, Erle of Morton, Lord High Thesaurar, and Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, William, Erle Mairshell, Robert, Erle of Roxburgh, Johne, Erle of Annerdaill, Sir Johne Hay, Clerk of his Majesties Registers, and Sir Thomas Hope of Craighall, his Majesties Advocat, accepted upon thame the commission grantit unto
thame under his Majesteis great seale dated at Theobalds, 14 Septembris, 1633, for passing of infeftments of New Scotland."

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

"Forsamekle as the slaying, selling and eating of flesh in tyme of Lent has beeene upon verie good respects and considerations by diverse acts of parliament and Secret Counsell straitlie prohibite and forbiddin within this kingdome under certane paines-mentioned and conteinit in the same acts; nevertheless the Lords of Secret Counsell ar informed that diverse persons of all rankes and qualitezis, preferring thair owne privat contentment to the obedience of the law, ceasses not in tyme of Lent to slay, sell and eate fleshe at thair pleasure, to the great hurt of the commoun weales and contempt of all good order and governement. And whereas the persons offending in this kynde presoomes of oversight and inpunitie be reason of the connivance alledged shawn to thame in tyme bygane, whilk is ane great inducement to thame to continew in thair wilfull contempt and breach of the law, thairfor the Lords of Secret Counsell hes resolved that with all rigour and extremitie they will execute the law aganis all suche persons as darre heerafter presoome to violat the same in this point; and thairfor ordains letters to be direct to command, charge and inhibit all and sindrie his Majesteis lieges and subjects of what estait, qualitie or degree soever they be, be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull, that none of thame presoome nor take upon hand during this forbiddin tyme of Lent to eate or make readie for eating anie kynde of fleshe under the panes following to be uplifted of everie person contraveening so oft as they faillie; that is to say, of every erle ane hundreth pundis, of everie lord ane hundredth merkes, of everie baron fourtie pundis, of everie burges, oastler and commoun cooke that sellis meate and drinke fourtie pundis, and of everie other gentleman suche soumes of money as sell be imposed upon thame be the judges before whome they sell be tryed: As alsua that no flesheers presoome nor take upon hand to sell or slay fleshe during the tyme foresaid of Lent under the pane of fourtie pundis so oft as they faillie: And by and attour the payment of the pecuniall soumes foresaids the offenders sell be punished in thair persons at the discretion of his Majesteis counsell: And siclyke to command and charge all and sindrie shireffis, stewarts, provests, and bailleis within burgh and all others bearing anie publick office and charge within the kingdome that they and everie ane of thame within the bounds of thair several offices and jurisdictions have a speciall care and regarde to see this present act observed in everie point, and where they sell happin to discover anie person or persons contraveening thir
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presents that they take notice of their names and informe his Majesteis Counsell thairof to the intent the offenders may be callit to their answer and punished accordinglie."

"CHARLES R.—Charles, be the grace of God King of Great Britaine, France and Ireland, defender of the faith, to all and sindrie our lieges and subjects whom effeiris to whos knowledge thir our letters sall come, greiting. Forsamekle as we have givin and grantit and be the tennor heirof gives and grants libertie and licence to the Lords of our Privie Counsell, Sessioun and Exchecker and to such as sall accompanie thame to eate flesh during this forbiddin tyme of Lent and upon Wednisdaiy, Fryday and Saturday for the space of ane yeere nixt after the dait hereof without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding whatsomever acts and proclamations made in the contrare, wheranent and all panes conentaith therein we dispense be thir presents; discharging heirby our Justice, our Advocat, and Justice Clerk, and all others our judges, officers and ministers of our lawes of all calling, accusing or anie ways proceeding againis the saids Lords of our Privie Counsell, Sessioun and Exchecker and persons accompanying thame at table, as said is, or anie of thame for the caus foresaid; discharging thame thairof and of thair offices in that part simpliciter be thir presents, givin under our signet at Edin-burgh, the aughtene day of Februar, and of our reigne the nynt yeere, 1634. Sic subscribitur, Morton, Hadinton, Glasgow, Winton, Perth, Annerdaill."

"The quhilh day the provest and bailleis of Edinburgh compeirand personallie toke this day twentie dayes to answer his Majesteis letter anent thair ministers stipends."

"Alexander Narne of Sandfurde added to the number of the justices of peace within the shirefdom of Fyffe."

"Certane orders establisht anent the justices of peace within the shirefdom of Narne."

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

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

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

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

Sedent—Chancellor; Treasurer; Privy Seal; Winton; Anner-Edinburgh, 22nd February

daill; Lauderdaill; Dumfreis; Southesk; Clerk Register; 1634.
Advocate; Sir James Baillie.

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

"Forsamekle as the Kings Majestie hes tane great panes for settling of the differences betuix the Erles of Roxburgh and Buccleuch and Francis Stewart, son to the lait Erle Bothwell, and his Majestie is very willing after so long a tyme that all possible means be used for putting these differences to a finall determination, theirfoir the Lords of Secret Counsell ordains letters to be direct charging the persons underwrittin, tutors and curators and others to whome the said late Erle of Buccleuch his children and their estait ar entrusted; they ar to say, Sir Johne Scot of Scottistarvet, Sir William Scot, of Harden, Laurence Scot, advocate, Mr William Scot, his son, Robert Scot of Hartwodmyre, Hew Scot of Galloscheillis, and Francis Scot his brother, and William Scot, sone natural to the said Erle, to compeir personalie before the saids Lords upon the xxv day of Februar instant, to the intent they may draw up a procuratorie or factorie in their names giving power to suche of the saids Erles of Roxburgh and Buccleuch their awne number as they sayl thinke fitt, who may stay at Court and who ar best acquainted with the estait of the bussinnes, to sattle and finallie compose the same in his Majesteis presence, and the same being legallie and perfytalie done to be delvered to the Erle of Roxburgh that at his coming to Court these maters may be fullie concluded, under the pane of rebellion, &c., with certification, &c. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers and trustie and weilbelovit counsellers, we greet yow well. Having beene pleased to take upon us great panes for settling the differences betweene the Erles of Roxburgh and Buccleuch and Francis Steuart, sone to the lait Erle of Bothuell, and being most willing after so long a tyme that all possible means be used to put thame to a finall determination, we doe hereby require yow to call before yow the tutors and curators and others to whome the lait Erle of Buccleuches children and their estats are entrusted, requyryng thame in our name to draw up a procuratorie or factorie in their names giving power to suche of thair awne number as they sayl thinke fitt who may stay heir and who ar best acquainted with the estait of that bussinnes to settle and finallie compose in our presence the saids differences betweene the Erle of Buccleuches childrein and the said Francis, that the same being legallie and perfytalie done be delvered to the Erle of Roxburgh that at his coming hither these maters may be fullie concluded; whiche speciallie recommending to your care, we bid yow fareweel. Frome our Court at Whitehall, the 12 of Februarie, 1634."
Supplication by Sir James Baillie of Lochend, knight, James Richartseone of Smetoun, Robert Achinmowtie, servitor to the Earl of Wemes, James Dowglas of Lugtoun, John Schaw, John Meyne, Stevin Boyd, and Robert Chrystie, merchants, burgesses of Edinburgh; Andrew Whyte of Markill, George Aitkine, Robert Ker, and John Mure in North Berwick, creditors of Alexander Hamilton, son of Sir Alexander Hamilton of Lawfield, as follows:—The said Alexander is indebted to them in certain sums of money and they understand that he is well minded to give them all possible satisfaction if he were at liberty to go about and deal with them to this end. They have therefore agreed to supersede all legal execution against him till 31st March next, but the said Alexander is unwilling to trust to this alone and desires their Lordships' protection before he will come in, and this they therefore crave. The Lords grant their protection to the said Alexander Hamilton until 31st March next.

"The like protectionn prorogat to James Mathesoun till the terme of Whitsunday nixt."

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

"The Lords assignis this day aucthe dayes to the Erle of Weemes, Lord Sinclair, Tuhilltan, Alexander Bruce and M' Alexander Hamilton for tharne selves and in name of the rest of the coale maisters, and to William Dick, John Sinclair and M' Alexander Guthrie for the town of Edinburgh and in name of the borrowes, to give in there reasons againis the imposition commandit be his Majestie to be upliftit of the coale transported from this kingdome."

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

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

“The like protection granted to David Barclay of Mathers until the first day of August next.”

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

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

"The Lords ordains his Majestie Advocaet to draw up a signature for his Majestie hand tuicheing the impost of sax shillings sterline to be layed upon the chalder of coale transported furth of this kingdome and to exhibite the same to the Counsell upon Thursday next to the effect the Counsell may be advised with the draught thaurof before the same be sent up to be signed be his Majestie."

"The qhilk day the awners of the coalhewes and the burrowes Anent the Anent the gave in their reasonis aganis the imposition commanded to be layed same. upon the coale of this kingdome transported beyond sea."

Sederunt — Chancellor; Treasurer; Privy Seal; Kingorne: Edinburgh, Roxburgh; Annerdaill; Bishop of Murray; Bishop of Ros.; 6th March Bishop of Dumblane; Binning; Melvill; Clerk Register; Advocate.

"The Lords of Secret Counsell hes assigned and be the tennour heirof Anent the assignes to John, Lord Torphichen, who wes personallie present, this day Torphichen. eight dayes for cleering to the saids Lords that the superioritie of the lordship of Torphichen ar of a different nature from the superioritie of others erections annexed to the crowne, and that theirfoir they aucht not to be comprebbded in the act of annexation."

"The whilk day Sir Thomas Hope of Craighall, his Majestie Advocaet, Signature produced and exhibite before the Lords of Privie Counsell ane signature for his Majestie hand touching ane impost of fittie sevin shillings aucht permiss Scottish to be takin of the chalder of coale transported furth of this kingdome beyond sea,—which being read in audience of the saids Lords they ordained the same to be docquetted be his Majestie said Advocaet and sent up to his Majestie inclosed in a letter whiche wes this day subscrivyed be the saids Lords, of the whilk the tennour followes:—Most sacred soverane, In humble obedience
of your Majesteis royall command conteanit in your letter
direct unto us of the 17 of Februar last tuiching the
imposition of six shillings sterline upon everie chalder of coale answer-
able to the measure of Newcastell transported frome this kingdome
beyond sea, we gave present order to your Majesteis Advocat to
draw up ane signature of the same for your Majesteis hand, being ane
impost of lvij s. viij d. Scotch money to be imposed upon ilke chalder of
coaile of Scotch measure which was found to be proportionable to the
direction conteanit in your Majesteis letter; and he, having carefullie
performed and exhibite the same unto us to be sent up to your Majestie,
in the meane tyme some of the coalemasters and commissioner of the
burrowes getting notice of this imposition and apprehending their awne
interesse and prejudice therein they offered unto us thair greevances and
reasons in writt anent the said imposition earnestlie desyng us to
recommend the same unto your Majesteis gracious consideration; wherein
we have forborne to meddle, finding it more agreeable to our devoutie to
satisfie your Majesteis command nor to hearken to thair petition whiche
we had no warrand to receave, and we have left thame to thamselfes to
sollicite your Majestie in what may concerne thair particular interesse
or prejudice of the publicit, being confident that your Majestie after
hearing and consideration of thair demands will take suche course therein
as to your royall wisdome sall appeare convenient. We have heerwith
sent up to your Majestie the signature docquetted with your Majesteis
Advocats hand, and what forder your Majestie sall be pleased to recom-
mand heerin sall be in all submissive dewtie obeyed. And so, with our
earnest prayers to God for your Majesteis long and happy raigne, we
rest, etc. Edinburgh, 6 Martij, 1634. Sic subscribitur, G. Kinnoull,
Morton, Hadinton, Kingorne, Annerdail, Bining, Meluill, B. Murrey,
B. Dumblane, S. Thomas Hope.”

[Sederunt as recorded above.]
sherrifs of Inverness and Caithnes and their deputes against these broken and lawless limmers, with a miseive to the Earl of Sutherland directing him, if he found the complaint true, to execute the commission. The Earl has done what he can, but there are so few persons named in the commission, and as the sherrif of Inverness has no deputes under him who will undertake this service, humble petition is therefore made that their Lordships would renew the commission to the persons underwritten. The Lords agree to this and grant a commission to John, Earl of Sutherland; George, Earl of Seaforth; Hew, Lord Lovat; Donald, Lord Ree; Master of Ree; Thomas Fraser of Streachine, Sir John McKenzie of Tarbet, Thomas Fraser of Strowy, Alexander Chisholme of Comar, Fraser, apparent of Culbokie; Mr. Alexander McKenzie of Culcowy, Alexander McKenzie of Coul, Alexander McKenzie of Garloch, Rorie McKenzie, apparent of Coul; Rorie McKenzie of Davachmarnock, Kenneth McKenzie of Saddie, Rorie McKenzie of Towy, Hector McKenzie in Glenelg, Hector McKenzie of , John Bayne of Tullich, Duncan Bayne of Logie, John Monro of Lamlair, Robert Monro of Assint, Hew Monro of Ardullie, Ferquhair Monroe of Teannaird, Robert Monro of Teannowach, John Monro in Fuyres, Hector Monro of Coul, Hector Monro of Culcragie, Sir John Gordon of Embo, Alexander Ros, iar of Cunliche, Colin McKenzie of Kincairg, George Ros of Innerchasley, Alexander Ros, apparent thereof; David Ros of Pitcalnie, Walter Ros of Innercharron, Walter Ros of Kindeice, Alexander Ros of Pitkeirie, John Ros of Aldeice, David Ros of Moddat, Andrew Monro of Delnie, Alexander Ros of Ferne, Hugh Ros of Kirkbreth, George Ros in Pitmaduthie, Hew Gordon of Bellon, John McKy of Strathie, Angus McKy of Bighous, Hew McKy of , Donald Neilson of Assint, and Hew Monro of Achunagart, jointly and severally, to seek for, apprehend and cause justice to be administered upon these limmers, and for this cause to hold courts, etc.; with power of fire and sword, and permission to bear hagbuts and pistols in the execution of this commission.

Complaint by James Mitchelhill, burgess of Selkirk, as follows:—He Complaint by was indebted to Alexander Wright, burgess of Edinburgh, and Bessie Wallace, spouse to James Pringill, in certain sums of money, for which they comprised some of his lands in Selkirk; and William Mitchelhill, “his unnatural brother,” unkindly taking advantage of his distress, procured an assignation to this apprising from “the said Alexander Wright, and his said spous” [sic] and pretending the complainer’s welfare gave him a bond promising to repone him in his own place whenever he received payment of the sums he had paid for the assignation. He gave the complainer five years to do this, and these have not yet expired. Meanwhile he has taken possession of the complainer’s whole estate, which is of far more value than his debts, and to disable him from recovering them, he cast him into prison in the tolbooth of Selkirk, where he

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was long in great misery. The complainer brought the case before their Lordships, who ordained them to submit their differences to the bailies and others of the burgh of Selkirk, and they, having decreed the complainer to pay to the said William the sums contained in the apprising, he sold certain of his said lands and did so. Since then he made another bargain with him, and sold him other lands worth 3200 merks, of which the said William gave the complainer 300 merks in part payment; but now, having obtained possession, he will neither perform his condition nor suffer any others to buy these lands, but also puts all his creditors upon him, who daily threaten him with captions and imprisonment, whereby he will miserably starve and his wife and ten children be brought to extreme necessity and beggary. Charge having been given to the said William Mitchellhill, and he compearing and also the pursuer and Elspit Ormestoun, his spouse, and having been heard, both parties agreed to submit their disputes to the decision of James Elliot, John Lidderdaill, George Currour and Thomas Halywell, burgesses of Selkirk, fol. 64, b. who being all present accepted upon them this office, and promised to give their judgment before 31st March next. By this both brothers agreed to abide, and that the complainer might have all freedom to attend the arbitration the Lords grant him their protection until 6th April next. And the Lords recommend the arbitrators to see that of the sums of money, if any shall happen to be decreed, to be paid to the said James Mitchellhill, the said Elspit Ormestoun be secured during her lifetime in the interest of one thousand merks.

Complaint by Janet Jardane, widow, and the bairns, kin and friends of the deceased Alexander Fareis in Sibbalbeside, as follows;—The said Alexander was cruelly slain by James Grahame in Corrilaw, John Johnstone, son of Robert Johnstone, called of Kirkhill, and John Johnstone, son of the deceased Gilbert Johnstone in Howgill, and the complainers, hoping to have the benefit of the law against them, instituted legal proceedings which has cost them over 500 merks; and now the fol. 65, a. said James, to frustrate the course of justice and disappoint the complainers of the benefit of his escheat, has applied for a remission to himself and his two associates on the ground of his Majesty's royal favour on his late happy coronation. For this their Lordships ordained them to pay each to the complainers 500 merks, and then the complainers to renounce the escheat of the said James. Hereby the complainers are in a worse case than before; for the two Johnstouns are but poor men and no payment can be looked for from them, and they will thus only receive less than it has cost them to obtain justice. Charge having been given to the said James Grahame to see himself decreed to make payment of the whole £1000, seeing one of the said Johnstouns is his son-in-law and the other his near and tender kinsman and friend, and that he has acted for them throughout this business, or otherwise that the complainers should be suffered to retain his escheat;
and the pursuers comparring by Mr. William Maxwell, their procurator, and the said James Grahame being personally present, the Lords, after hearing parties, continue the case until 10th June next, so that meanwhile the complainers may prosecute these three men before the Justice to determine their guilt or innocence of the said slaughter. And the Lords decern that James Grahame shall not hereby be prejudged of the benefit of his Majesty's pardon, nor the expiry of the time reckoned against him.

This day compereaed personally Robert Stevensoun, agent in Edin-
burgh, and found caution in 300 merks that Francis Hamilton, younger, of Silvertounhill, and his family and possessions, would not be molestèd by him nor by any of his causing.

Sederunt—Chancellor; Treasurer; Glasgow; Mairshell; Kingorne; Roxburgh: Annerdaill; Lauderdaill; Traquair; Bishop of Edin-
burgh; Bishop of Murre; Bishop of Ros; Bishop of Dumblane; Lord Bining; Clerk Register; Lord Melvill; Advocate.

peirand personallie before the Lords of Privie Counsell, accepted upon thame the commissioun for surveying of the lawes and gave their oath de fidel administratione."

"The Lords of Secret Counsell gives and grants commission be thir presents to Patrik, Archbishop of Glasgow, Johne, Erle of Traquair, John, Bishop of Ros, Adame, Bishop of Dumblane, Sir Johne Hay, Clerk Register, Sir Thomas Hope, his Majestis Advocate, Sir Alexander Gibson of Durie, Sir Andro Fletcher of Innerpeffer, Sir James Lear-
month of Balcolmie, M' George Halyburton of Foderance, M' Andro Aittoun, M' Alexander Guthre and Johne M'Kesone, to convene and meet togidder and to consult and advise anent the forme, maner and order of prosecution of the commissioun for surveying the lawes, re-
mittiing to the Erle of Traquair and Clerk of Register the appointing of the tyme and place of their meeting; and ordains the saids commis-
sioners to report their proceedings herein to the Counsell upon the 29 or last of this instant."
"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presentit 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 counsellers, right trustie and trustie and weilbelovit counsellors, we greit yow weil. Whereas for the better gouvemement and preservation of the peace within all the parts of that our ancient kingdome according to our lawes and to the effect our poore subjects may not unnescessarie be putt to charges by having recourse for justice to our Counsell in everie several greevance that may be incident, justices of peace wer established in several parts of that kingdome where it was thought necessarie, we have further thought fitt to that purpose to require yow according to the laudable custome of gouvemement used in this our kingdome to caus establishe in suche maner as is requisite in that kingdome everie bishop to be a justice of peace within his owne diocie, and withall that yow Fol. 265, b. require thame to give unto yow ane list of the most able and sufficient ministers within their diocesis where it is most necessarie that a justice of peace be established, and that accordinglie yow caus settile suche of thame as yow sall thinke fitting to that purpose; whiche recommending to your speciall care, we bid yow farewell. From our court at Newmros, the second day of Marche, 1634. Quhilk being read, heard and considerit be the saids Lords, they ordaine missives to be writtin to the bishops for reporting to the Counsell the list and roll mentiouned in his Majestis said letter betuix and the last of this instant, quhairof the bishops present ar warned apud acta."

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and directed to the Lords of Privie Counsell, was presentiet to the said Lords and read in their audience, of the whilk the tennour followes:—CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and weilbelovit counsellors, we greit yow weil. At our being of late in that our kingdome we wer pleased to grant to M' William Wishart, minister at Leith, a gift of the preceptorie of Sanct Anthons for the benefite of the hospital of Leith and their kirkession, for the use whairof some rents of that preceptorie (as we ar informed) ar still accustomed to be payed, and that the remnant of that benefice has beene of a long tyme suppressed, being disposed of to some persons by our late royall father; hearing that the said M' William hes past that gift in his owne name, whereby not onelie that part of the said benefice dedicated to the hospitaill and kirksession may by tyme be wrested to a particular from the intended publicit use bot that lyke-ways our right trustie and weilbelovit cousine, the Erle of Dumfermline, will be prejudged in his right and possesion of certan lands now holdin of us whiche ancientlie belonged to that preceptorie and wer
acquired (as we are informed) by his late father upon valuable considerations, our pleasure is that having callit the parteis interested before yow yow deale with thame to submitt the differences heerin unto your selffis or suche of your owne nombre as yow sall appoint for taking a faire course to settle the same, so that no prejudice may ensue by the said gift to the said hospitall, kirkseesion, or to the said erle; but if the said Mr William will not condescend thereunto that yow advertise us thairof and with your opinions concerning the same; and in the meane tyme that yow give order to stop anie proceeding tuicheing the same in anie of our jucidatoreis till our further pleasure be signifiid therein, for whiche these sall be your warrant. We bid yow farewell. From our Court at Whitehall, the 28 of October, 1633. Qubilk missive being heard and consideret be the saied Lords and they advised therewith, the Lords of Secret Councils ordains the said Erle of Dumfermlin to exhitibe to his Majesteis Advocat his evidents concerning the said benefice this night or the morne, and ordains the said Advocat to report upon Thursday nixt the estait of the bussines to the Counsell.”

[Sederunt as recorded above.]

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

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

"The Lords continewes the dyet assigned to the towne of Edinburgh for answering his Majesties letter anent the sitting of their ministers stipends till Thursday nixt, quhairof intimation was made to Mr Alexander Guthrie, who was personally present."

"A letter from his Majestie for cowying the like quantitie of copper money as by former warrand was last ordained."

"The Lords appoints Moonday nixt the sevintene of this instant for a treatie anent the cowye, quhairof ordains intimation to be made to the town of Edinburgh and officers of the cownehous and that missives be direct to the Bishop of Brechin, the Erle of Wintoun and Southesk to kepe the said dyet; the counsellors present being warned apud acta."

Edinburgh, 11th March 1634.

Sederrunt—Chancellor; Treasurer; Erroll; Kingorne; Winton; Acta, June 1632–June 1634. Boxburgh; Annerdaill; Tracquair; Bishop of Dumblane; Areskine; Bining; Melvill; Clerk Register; Advocate.

Warrant for the coining 1500 stone weight of copper into penny and twopenny pieces for the benefit of the poor.

See Index to Vols. I. and II. (Second Series).

"Forsamekcle as the Kings Majestie, having by ane former act of the tent of Januar, 1632, found it meit and expedient, concluded and ordained that there shoulde be fyttenye hundreth stone weight of copper, unmixed with anie other metall, wrought and forged in maner specifeit and sett down in the saud act, and that for releiffe of the poore and for the better intercourse and change of small moneys among his Majestis subjects, his Majestie is now informed that this quantitie of copper money ordained be the said act to be coyned in this kingdome is now fullie vented and that notwithstanding thairof the necessitie of the countrie ar not as yitt thereby sufficientlie supplieed; and thairfoir the Lords of Secret Counsell, according to his Majesties expresse command, warrand and direction in writt sent unto thame in this mater, hes concluded and ordained and be the tennor of this present act concludes and ordains that there sall be other fyttenye hundreth stone weight of copper coyned in this kingdome in pennie and twa pennie pieces of the like weight, print and circum- scription as the penneis and twa pennie pieces formerlie wrocht be vertew of the said act of the tent of Januar, 1632, and conforme to the tennour thairof in all pointes; anent the printing and outputting of the quhilks twa pennie and pennie pieces this present act sall be unto these whome it concernses and appertaneis ane sufficient warrand; and that letters be direct to make publication heirof be opin proclamation at all
places nedfull where throw none pretend ignorance of the same. Follows his Majestis missive for warrand of the act of abonewrittin:

CHARLES R.—Right trustie and wellbelovit cousine and counsellor, right trustie and wellbelovit cousins and counsellors and right trustie and trustie and wellbelovit counsellours, we greet you well. Whereas we are informed that the quantitie of copper money last ordained to be cownned there is now fullie vented and, that notwithstanding, the necessitie of the countrie is not thereby yitt sufficientlie suppleed, it is thairfor our pleasure that you give present order for the coynage of the like quantitie as by your former warrants were last ordained, for whiche these presents sall be your warrand. Whitehall, the 26 of Februarie, 1634."

"The whilk day John, Lord Torphichin, compeirand personallie before the Lords of Privie Counsell, gave in to the said Lords ane petition in writt preferred be him to the Parliament conteening the reasons whereby he intends to evince that the superrioritie of the lordship of Torphichin are of a different nature frome the superrioritie of others ecrations, and that thairfor they ought not to be comprehended in the act of annexation whereby all superrioritie of ecrations ar annexed to the crowne, and that for satisfaccion of the terme assigned to the said lord for that effect. Whiche petition was ordaine to be givin upp to his Majestis Thessaurar and Advocat for his Majestis interesse to be advised therewith and with their answer to the same till this day sucht dayes lykeas the said petition was presentlie delveryed to his Majestis said Advocat, who receaved the same." ¹

[Sederunt as recorded above.]

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

¹ In 1688 Sir James Sandilands of Calder was invested with the title, power and jurisdiction of Lord St. John of Jerusalem. After the Reformation he resigned the lands he held as Preceptor of the Order of St. John into the hands of Queen Mary, who re-granted them as a temporal lordship.—Douglas, Peerage, II., 593.
there, for a pound of tobacco between them; whereby he has very far abused his Majesty’s good subjects. He is now prisoner for this in the tolbooth of Edinburgh, and it is necessary that before he be released this matter should be tried and so dealt with that others shall be terrı-
fied from doing the like. Charge having been given therefore to the said Andrew Keadie, David Hallow, George Smith, Walter Crichtoun, Henry Greg, Walter Stoddart, Alexander Stope, Thomas Oswell and John Hog, to appear as witnesses, and the pursuer and Robert Stirk compearing personally, the latter being brought from the tolbooth by Andrew Quyte, jailor and keeper thereof, and the said Andrew Keadie, David Hallo, Walter Crichtoun, Henry Greg, Matthew Hegie, Walter Stoddart, Alexander Stop and Thomas Oswell, who also compereared, and being sworn and examined, every one apart, by the said Lords, having confessed that they componed and agreed with the said Robert Stirk and Robert Adame, his man, at his direction for eliding of their names from the said roll, the Lords find the complaint verified, and they accordingly deprive the said Robert Stirk of his office of messenger and declare him to be incapable of exercising the said office hereafter. They ordain him to return his blazon to the Lyon Herald, and to repay to each of the persons with whom he componed the double of the money received from them; and this having been done, he is to be set at liberty.

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

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

Sederunt—Chancellor; Treasurer; Glasgow; Mairshell; Murrey; Ainslie; Winton; Kingorne; Roxburgh; Annerdaill; Lauderdale; Tracquair; Bishop of Edinburgh; Bishop of Ros; Lord Arekine; Lord Melvill; Master of Elphinston; Clerk Register; Sir James Baillie.

"The whilk day in presence of the Lords of Secret Counsell compiered personallie Sir Thomas Hope of Craighall, his Majesties Advocat, and reported to the saids Lords that he had scene and considderit the right of the preceptorie of St. Anthonys and that he finds that M’ Johne Hay of Kennet was lawfully provided thereto upon dimission of Alexander Hay, his father, last preceptor of St. Anthonys, and that the said benefice was suppress be the said M’ Johne his infeftment and ratification thereof.
in Parliament and thereafter dispounded be the said M' John to the Erle of Dumfermline who sold the teinds thairof to the Laird of Colinton; in respect of whiche suppressioun and extinguishing of the said benefice the said Advocaet declared that he fand the said M' John Hay, the Erle of Dumfermline and the Laird of Colinton their rights to be valuable and sufficient in law."

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

"The whilk day M' James Cockeburne, provost of Hadinton, compeirand personallie before the Lords of Privie Counsell, accepted upon him the commission for surveying the lawes and gave his oath de fidei administratione."

"Forsameekle as John Hairup, sometyme in Dernt, being apprehended and made prisoner in the jayle of Durhame for the felonous stealing of twa oxin pertaining to Johne Osburne of Scotiswod, twa oxin pertaining to Thomas Bittelston of Benwell, and other twa oxin pertaining to Jeane Schafttoe, widow in Newcastle, the said John Hairup, fearing the event of his tryell, made ane escape furth of the said jayle and for eshewing of punishement fled to this kingdom of Scotland where he was apprehended by warrand and direction from the Erle of Roxburgh and is presentlie prisoner heere; whairof notice being givin to the justices of peace within the countie palatine of Durhame they by their letter under their hand hes earnestlie required that delyverie may be made to thame of the said John Hairup to the intent he may underly his deserved tryell and punishement at the jayle delyverie now shortlie to be balhind at the citie of Durhame upon the 26 of March instant. Thairfoir the Lords of Secret Counsell gives and grants their warrand and allowance to the said Erle of Roxburgh to delyver the said John Hairup to suche person or persons as sail have warrand and power from the saids justices of peace or others having interresse to receave him; quhereaenent the extract of this act sail be to the said Erle of Roxburgh a warrand."

"Anent the supplication presentit to the Lords of Secret Counsell be George Bruce of Carnock and Alexander Bruce of Alva, makand mention that where there is some strangers of Brem and Holland come up the firth to thame for coale and sail and they have nothing to pay for the same bot dollers, and the supplicants darre not taik thame in regards of the lait prohibition givin out be the saids Lords agenis the receaving of dollers for coale or sail; and thir strangers are now upon the point of their departure toward Newcastle for taking in their loading of coale, wherewith the saids supplicants have heirby thought melt to acquaint the saids Lords and how farre they are interest and prejudged in the
dispatche of thair coale and salt quhilks lying on thair hands will make thair trade of coale and salt unusefull and unprofitable to thame and sua thair water workes quhilks ar interteanned at excessive great charges will perishe without all hope or possibilitie of recoverie without remeid be provydt. Humbelie desyryng thairfor the saids Lords to give unto the saids supplicants thair warrand and allowance to receave dollers frome the strangers that ar now come in for thair coale and salt; lykees at mair lenth is conteanit in the said supplication. Qhilk being read, heard and considerit be the saids Lords and thay weill advised therewith, the Lords of Secret Counsell gives and grants thair warrand and allowance to the saids supplicants to receave dollers frome thir strangers that ar now come in for thair coale and salt without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding of the prohibition and discharge made in the contrare, quhereanent the saids Lords for this tyme dispenses, the supplicants first finding caution actit in the books of Secret Counsell that they sall not receave dollers for anie coale or salt to be sold be thame hereafter under the panes conteanit in the acts and proclamations formerlie made heerenent."

"Forsamekle as the act underwrittin tuicheing the provision of the ministers stipends of the burgh of Edinburgh being givin in be the provest and baillieis of the said burgh to the Kings Majestie and Estats of this kngdome conveened in the late Parliament holdin at Edinburgh in the moneth of Junij last, humbelie craving the same to have beene past and exped in Parliament, his Majestie and the Estats having dewlie considderit the said act and being willing that the same with the equitie and justice thairof and expedieniec and conveniencie of the same sould be carefullie and exactlie considderit, his Majestie with advice of the saids Estats wes graciously pleesed to remitt and recommend the act foresaid to the Lords of Privie Counsell, to whome his Majestie and Estats foresaids gave full power and commissioun to considder, advise and try the said act with the equitie, necessitie and expedieniec thairof and to decrene, statute and determine therein as they sould thinke expedient for the good and weale of his Majestieis lieges. Lykees his Majestie and Estats foresaids ordained the decreits, statuts, ordinances and determinations to be made, givin and pronounced be the saids Lords of Privie Counsell anent the said act to have the force, streth and effect of ane sentence and act of Parliament in all tyme comming, as the said act and reference of the Parliament made to his Majestie counsell thereanent at lenth beirs; of the quhilk act givin in be the saids provest and baillieis of Edinburgh to the Parliament the tennour followes:—Forsamekle as there is nothing more consonant to equitie and reason then that all suche persons that daylie injoyes in plentie that blessing of the Word of God and heares the same preached and does participat the benefit of the Churche sould contribute to the maintenance of the ministrie in these places where they
receive the saids benefits, and our Soverane Lord and Estates of this present parliament understanding that ever since the Reformation the hail inhabitants of the said burgh of Edinburgh hes enjoied the foresaid benefits and blessings, and the commoun good of the towne whiche hes beene givyn to thame for maintenance of policie hes beene that way imployned throw the inlakke of other sufficient meanes for interteanynge the ministrie of the said burgh; for remeid whairof and to the intent that these who serve at the altar may be interteanned of the altar and the said commoun good may be rightlie aplyed to the use whereunto the same wes appointed, our Soverane Lord and Estates foresaid statuts and ordains that the soume of twelffe thousand merkes sall be uplifted yeerelie of the whole inhabitannts and indwellers within the said burgh (the Lords of his Majesteis Counsell and Sessioun being onelie excepted) and that according to the quantitie and proportion of the maillie they pay or the housses where they reside may pay. And for this effect ordains the provest, bailleis and counsell of the said burgh to appoint and make chosse of foure sworne men out of ilke parish within the said burgh who upon their oath sall value and estimat the maillis of the housses of the said burgh and sall give in ane roll thairof under their hands what everie hous built and poseeset may communibus annis in constant rent pay of yeerelie maill to the end that according to the soumes whereunto the saids maillis will surmount the said soume of twelffe thousand merkes may be conveniently divydit be thame amongst the saids indwellers and inhabitants (except as is before excepted). And becaus that new housses may be built and others housses may lykeways come to decay and ruine so that the maillis thairof may be omitted or defective, and the inhabitantes of the saids new housses free of the foresaid burdein, thairof ordains the provest, bailleis and counsell of the said burgh ilke yeere or ilke twa yeeres, as they sall thinke expedient, to appoint new extentors and valuers for valuing of the saids hous maillis, and according to the said valuation and distribuition and division of the said soume declares the whole indwellers and inhabitantes to be subject to contribute to the interteanement of the said ministrie according to the rollis to be givyn furth to suche as sall be appointed be the saids provest, bailleis and counsell for ingadderin of the said soume, under the subscription of their common clerk; and incaise of the refuisall of anie persons ordains the said provest and bailleis to direct thair officers to paynd thair goods or waird thair persons for the same without any farther sentence or processes of law; and ordains the said soume so ingadderit to be applied onelie for for sustentation of the said ministrie. And the provest and bailleis of the said burgh being callit and at length heard heirupon before the saids Lords, they declared that the imposition craved be thame to be layed upon the inhabitantes according to the proportion of thair hous maillis is onelie craved to be a square and rule for taxing of the inhabitans,
and that thereby the ground right and propertie of the housses sall never be affected. Qwhilk act being read, heard and considerit be the Lords of Privie Counsell, and they having lykeways heard and considerit the reference made be the Parliament to thame and the declaration foresaid made be the saids provest and balleis, and being well advised therewith, the Lords of Secret Counsell finds and declares that the course and order prescryved and sett doun in the act foresaid givin in be the provest and balleis of Edinburgh to his Majestie and Parliament tuicheing thair ministers stipends and settlin thairof is a verie good and faire course tending to the weale of the said burgh and settlin the ministrie thairof in thair stipends, with this speciail provision and exception that the Lords of his Majestie Privie Counsell and Lords of Sessioun sall no wayes be subject to contribute to this impositions but sall be speciallie excepted and reserved furth thairof, and with declaration and qualificacion of the generall name of inhabitants that the same is and sall be onelie suche persons who take housses for ane yeere or halfe yeere within the said burgh, remains and resides therein with thair famileis the most part of the yeere or halfe yeere, and that thair persons allanerlie and no others sall be comprehended under the generall name of inhabitants. And thairfor the Lords of Secret Counsell hes allowed and approvin and be the tenor heirof allowes and approves the said act in the hail points, clauses and articles thairof with the exception, declaration and qualificacion aboneexceptit, and hes interpouned and interpons thair auctoritie thairto, and ordains the same to have the strenth, force and effect of ane act of Parliament conforme to the reference foresaid of the Parliament and of ane act of Counsell in all tyme comming. Followes his Majestie missive anent the act abone-writtin:—CHARLES R.—Right trustie and wellbelovit cousine and counsellor, right trustie and wellbelovit cousines and counsellors and right trustie and wellbelovit counsellers, we greet yow weil. Whereas there was a petition preferred be the towne of Edinburgh to the late Parliament haldin by us in that our kingdome tuicheing thair ministers stipends and settlin thairof, whereby it was desird that the imposing of the same might be layed ratablie upon the inhabitants as they wer found able, the consideration and determining of whiche petition was remitted unto yow, seing the establishing and provyding of the churches of that towne is a purpose thairof we doe verie much approve, our pleasure is that yow consider of the said petition, and if yow find that the course propoundit be thame cannot conveniencit take effect, that the said imposition may be ratablie layed and takin up according to the proportion of the maill of the said burgh, appointing thereby to everie minister a competent stipend and a commodious dwelling houes according to their degree; whiche recommending to your care we bid yow farewell. Frome our Court at Whitehall, 11 October, 1633."
"The whilk day Johne, Lord Torphichin, compeirand personallie before the Lords of Privie Counsell, gave in to the saids Lords the verification of the reasons conteinit in his petition to the Parliament for cleering the erection of the lordship of Torphichin to be of a different nature frome others erections and thairfoir not to be comprehended in the act of annexation, which he instructed by production of certane writs and evidents upon inventar qhilibs wer givin up to his Majesteis Advocat to be advised therewith till this day aucth dayes; and the saids Lords reserves to the said Lord Torphichin his further reasons for cleering and evincing of his said petition to be propounded be him that day."

"Forsamekle as it hes pleased the King's Majestie by his letters patent under the great seale to give and grant to the Lord of Spynie the office of generall mustormaister within this kimgdom, the reigling and ordering of the whiche patent and prosecucion of the service therein contenait, with the modificacion of the fees answerable to the said charge and imployment, wes by reference frome the Estats committed to the saids Lords; thairfoir the Lords of Secret Counsell ordains the noblemen and commissioners for the small barons and burrowes that wer presente to make choice of foure of thair number for everie one of the saids three Estats to attend upon the Lord Privie Seale, the Arch-bishop of Glasgow, the Erles of Roxburgh and Tracquair, the Bishop of Dumblane, and Clerk of Register (without excluding anie other of the Counsell who sall be pleased to be present) and to convene with the saids Lords the morne at eight of the clocke in the morning in the laich counselhous of Edinburgh and to confer and reason anent the forme and order of prosecucion of the said service and modification of the fees dew for the performance thairof; of the whiche dyet and assignement the Lord Spynie, being personallie present, wes warned apud acta. In obedience of the qhilk act and ordinance the noblemen present made choice of the Erles of Rothes, Quenisberrie and Wemes and the Lord Lowdoun, the commissioners of the shires nominat and made choice of Sir Patrik Hamilton, the laird of Aldbar, Sir Patrik Murrey, and the laird of Pitmedden, and the commissioners for the burrowes made choice of Williamie Dick, Mr Robert Ferquhar, Mr James Cokburne, and Mr Alexander Guthre, whom the saids Lords allowes to convene and met.
REGISTER OF THE COUNCIL

with their severall Estates for their better light and information

tent the ordering of the particulars abonenamit, and ordains the

ttee to report their proceedings to the Counsell upon Tuisday

nxt.''

[Sederunt as recorded above.]

Edinburgh,
20th March
1634.

Complaint by
James, Lord
Douglas,
bailie
principal of
the regality
of Strathlaw,
and Thomas
Innes, his
depute,
against
John Tarbert
in Pool Maid,
whom they
 accuse of
lodging false
information
with the
Council in
order to escape
punishment of
his crimes.

Complaint by James, Lord Desfurd, bailie principal of the regality of Strathlaw, and Thomas Innes, his depute, as follows:—Upon sinister information made to their Lordships by John Tarbert in Pool Maid that he and his said depute had cited the said John and his spouse to a justice court on the 8th January last to answer for the rese of 2½ ells of gray cloth stolen by one William Ogilvie, and for the alleged cruel murdering of David George and casting him into a peat moss, and that notwithstanding of the production of two certificates of the sickness and inability of the said John to travel, they had proceeded with the case, declared them fugitive and intended to deal with their goods, their Lordships granted letters against the complainers for their compeance on 11th March before the Council and production of the proceedings in the case. These letters had been granted without citation of the complainers, who could then have adduced many good reasons for their procedure and "convinc'd the said John of manie grosse and impudent untruthes." He represented that they had cited him for murder, and this was the chief reason of their Lordships granting the letters; but they never did nor intended to do so, "bot left the same and the discoverie thairof to God and tyme, quhilk is the mother of truthe, and they onlie callit thame for a cleere, notour and undenyable ressett of thift, and for thair contumacie and not compeirance, declared thame fugitives, and meddled no farder with thame, but simplie for the dewtie of thair charge and office arrested thair goods." This is all they have done, and for this these persons have brought the honour and credite of the said lord, and the justice and equity of his court in question. "If bese criminalls of this kynde sall for impetraung of impunitie of thair misdeeds be suffered or oversee to call in doubt the equitiie and proceedings of the judges of the kingdome, who ar voide of all privat respects and hes nothing bot honour, justice and good conscience before thair eyes, the saids Lords may consider what sall be the event and how deepe it may draw in consequence and exemple." Charge having been given to the said John Talbert and his spouse to compear to see the Justice discharged from proceeding in this matter and the case remitted back to the complainers, and the pursuers compearing by Mr. Roger Mowat, their procurator, and the said defender compearing personally with Mr. James Gibbone, his procurator, the Lords, after hearing parties and seeing the process produced, remit the matter back to the said Lord of Desfurd, as bailie of the regality of Strathlawe, and ordain him first
to proceed against the principal person, committer of the theft libelled, and after that, having made choice of some "unsuspect person in place of the said Thomas Innes, his baillie," to try the said John Talbert, and if he find him guilty, to report his conviction to their Lordships before passing sentence, so that they may advise him thereupon.

Sederunt—Chancellor; Glasgow; Erroll; Marshell; Murray; Edinburgh, Winton; Kingorne; Linlithgow; Lauderdaill; Southesk; Traquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Areskine; Lord Bining; Lord Melvill; Clerk Register; Advocate.

"The Lords of Secreit Counsell, in humble obedience of a letter directed unto thame from the Kings Majestie in favors of Thomas Meinzeis, burges of Aberdeene, gives and grants their warrand and licence to the said Thomas to resorte and repaire saifelie and peaceable to and fra in the country at his pleasure till the first day of Junij nixtocombe to the intent that he may dispose upon his estait at his pleasure, quhilks the saids Lords declares it lawfull for him to doe, and they recommend to the Lords of his Majesties Exchecker to make the like declaration in favors of the said Thomas, becaus the said Thomas, being personallie present, actit himselfe that he sal saie himselfe modestlie without scandal or offence and that he sal acquaint the Bishop of Abergein with this his obligement, to the intent the said Bishop may looke to his cariage and certifie the Counsell of the same the first Counsell day of Junij nixtocombe, toguider with his opinion tuicheing a foder prorogatioun of the said warrand and of a warrand to be grantit to him to persewe and defend in all his actions and causes without anie doubt or question in law in so farre as may concerne his religion and for what tyme the said warrand sal be grantit; discharging in the meanetyme all shiriffs, stewartis, bailleis of regaliteis, provests and bailieis of burrowes, and all others judges, officers and magistrat to burgh and land, and als all messengers of armes of all taking, apprehending, warding or arresting the said Thomas be vertew of anie hornings or captions raised or to be raised aganis him for maters concerning his religioun, discharging, &c. Followes his Majestis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trusty and right weilbelovit cousines and counsellours, right trustie and trustie and weilbelovit counsellours, we greit yow weil. We have beene humbelie petitionoued by Thomas Meinzeis that we would be graciously pleased so farre to grant him the benefite of our lawes as to recover by a legall way suche moneyes as ar justlie dew unto him and to sell his estait there that he may abandon the kingdome without staying anie longer to give any offence to the present professed religioun and the rather becaus hitherto
in humble obedience of our commandement expressed in our former letters touching this purpose to the Lord Chancellor and Bishop of Aberdein he hath, as we ar informed, givin no just caus of offence, but hath caried himselfe moderatlie and quyetlie; for whiche respect we ar hereby pleased seriouslie to recommend unto yow that he may have justice speedilie administrd unto him ather in the persute or defence of anie action in law concerning him and that he may als freeliie without anie doubt or questioun in law in so farre as may concerne his religion, dispose and sell his estait as anie our lawfull subjects whatsoever within the kingdome might or may doe, and to that effect that yow give suche order to our Colledge of Justice and otherwayes as yow sall thinke fit and as may best condue to the granting of his humble sute, to the effect he may repaire to these parts abrod where (as we ar informed) his wife and children doe live; for doing whairof these presents sall be unto yow and all others whom it may concerne a sufficient warrand. We bid yow farewell. Frome our Court at Whitehall, the 12 day of Februarie, 1634."

"Anent the supplication presentit to the Lords of Secret Counsell be John,e Erle of Wemers, makand mentiou that where there ar some Bremers and Hollanders come to the firth for buying of coale and salt frome him and they have no moneyes to give for the same bot dollers allanerlie, quhilks the said supplicant is inhibite to receave for his coale and salt frome anie strangers, so as if they sall not be served be the supplicant and other maistors of coale in this countrie they will go to Newcastell, and the supplicant will be frustrat of the sale of his coale, and thereby his workes will be brought to decay, to his great hurt and prejudice and undoing of numbers of poore people; humblelie desyriyng thairfor the saids Lorde to grant to the said supplicant thair warrand and allowance to receave dollers frome the said strangers for the price of his coale and salt; lykewise at mair length is contentit in the said sup-
plication. Quhilk being read, heard and considderit be the saids Lords and they advised thairwith, the Lords of Secret Counsell gives and grants warrand and allowance to the said Erle of Wemers to receave dollers frome the said Bremers and Hollanders now lying in the firth for the price of his coale and salt without pane or danger to be incurred be him therethrow, notwithstanding the act and proclamation made in the contrary, quhereanent and all panes contentit therein the said Lords dispenses be thir presents, the said supplicant first finding cautiou actit in the booke of Secret Counsell not to receave anie dollers frome strangers for thair coale or salt after the dispatche of these who presentlie ar in the firth, under the panes contentit in the acts and proclamationis made heereanent."
Complaint by Patrick Halket of Lamfynnance, as follows:—For many years he has been detained in ward, first in the tolbooth of Dysert and now in that of Edinburgh, at the instance of John, Earl of Rothes, whom he has never offended. All his creditors are willing that he should be liberated, and the only stop is his finding caution for the indemnity of the said Earl. As no one will become cautioner for him, seeing he has no estate, he is willing personally to give his oath and act for the Earl's safety. Charge having been given to the Earl of Rothes, and he compearing by Mr. David Aittoun, his agent, the pursuer also being personally present, and having been heard, the Lords ordain the provost and bailies of Edinburgh to liberate the pursuer, who promised upon his great oath to keep ward within the burgh of Edinburgh and town of Leith till the first Council day of June next, when their Lordships will take further order with the case; declaring that if the said Patrick contravene this order it shall be lawful for the said Earl and his said agent to apprehend and imprison him. Further, their Lordships modify the sum of 8s. daily to be paid to him by the said Earl of Rothes until the said first Council day of June.

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

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

Sederunt—Chancellor; Glasgow; Erroll; Wintoun; Linlithgow; Edinburgh;
Kingorne; Roxburgh; Galloway; Southeas; Tracqair; Bishop 1634.
of Ros; Bishop of Dumblane; Lord Areskine; Lord Bining;
Lord Melvill; Clerk Register; Advocate; Sir James Baillie.

"The whilk day Sir Thomas Hope of Craighall, knight baronet, his
Majestis Advocat, compeirand personallie before the Lords of Privie
Counsell declared that he would make no report concerning the erection
Edinburgh,
26th March
1634.

Decretal
November
1633
April
1634
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of the lordship of Torphichin till the Lord Torphichin sould first give in and produce the hail reasons and writs that he would use for cleering of the bussines; quhilk wes intimat to the said lord, being personallie present, who toke the first counsell day in Junij nixt to propose what forder he would use and alledge in the mater foresaid."

[Sederunt as recorded above.]
session, and discharge him from meddling further therewith until he evict the pursuer by order of law; specially from shearing the corns sown or preventing the pursuer from shearing them as being sown upon his own heritage. John Cathcart is convicted of having used the threatening speeches complained of, and for this and the riot he and James Cathcart are warded in the tolbooth of Edinburgh upon their own expenses until the Lords release them. Further, the Lords ordain the said James Cathcart to pay the witnesses, every horseman £10 and every footman 10 merks.

Complaint by Thomas Abircrombie, second lawful son of the deceased Thomas Abircrombie of that Ilk, as follows:—About seven years ago he was waylaid and pursued for his life by the deceased William Martine, son lawful of the deceased Alexander Martine of Giblistoun. Martin had been visiting his wife's sister at Anstruther, and on his way home with the complainer, being drunk, he gave complainer a great stroke in the arm with the complainer's own sword, who was then obliged for safety of his life to draw his dagger and close with the said William, giving him a stroke upon the thigh, wherewith "he fell in reid land," and, being suffocated with drink, died. The complainer had no intention of injuring the said William "whome he loved most interelie, and unto whome he had done sindrie good offices, as namelie he procured unto him from his eldest brother ane dwelling hous and yaird," and but the day before this unhappy accident the complainer made the said William bailie of the barony of...
Complaint by Sir Thomas Hope of Craighall, King’s Advocate, with Patrick Small, elder and younger, in Newtyle, and John Small there, against Patrick and James Andersoun, lawful sons of Laurence Andersoun at the mill of Newtyle, Patrick Andersoun, son natural of the said Laurence, and William Andersoun, servitor to the said Laurence, all armed with swords, forks, durs and other weapons, and the prohibited hagbuts and pistols, came to the complainers’ lands in Newtyle while they were peaceably sowing the same and pursued them for their lives, giving them many bloody wounds on the head and other parts of their bodies, and "left thame lying wallowing on the ground in their blood as dead persons and threatened to kill thame if they laboured these lands." They then went to their houses and threatened to kill their wives and children. Parties being cited and the pursuers compearing personally, but of the defenders only William Andersoun, and they and certain witnesses having been heard, the Lords find that the said Patrick and James, lawful sons, and Patrick, the bastard son of Laurence Andersoun, assaulted the pursuers, the said Patrick, the bastard, and James Andersoun wounding them with a fork, and the other Patrick wounded the said John Small on the head with a baton and on the hand with a whinger, and that they would not suffer the pursuers to sow their corns; for which they ordain the said Patrick, the bastard, and James Andersoun to enter into ward within the tolbooth of Edinburgh within six days after being charged so to do and there remain until released by their Lordships; and they assolzie the said William Andersoun, against whom nothing was proved. Further, the said Laurence Andersoun, who was personally present, took the next Council day to exhibit his lawful son, Patrick, before their Lordships to underlie their censure for his offence; and their Lordships ordain the said Laurence to pay each of the witnesses in the case, 40s. for their expenses.

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

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

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

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

Sederunt—Chancellor; Glasgow; Erroll; Winton; Linlithgow; Kingorne; Roxburgh; Southesk; Tracequair; Bishop of Dumbane; Lord Areake; Lord Bining; Lord Melvill; Clerk Register.

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

“An act past in favors of the towne of Edinburgh anent the ministers’ stipends.”

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

“The Lords ordains the lairds of Balbegino and Moncur of that lkle to be adjoynted to the justices of peace of the shire of Perth.”

“The qhilk day the Lords declares that Robert Dunbar of Moyne, entering his person in waird within the tolbuith of Edinburgh for obedience of the charge givin and execute aganis him upon the complaint of Archibald Torry, messenger, sall be free of all arrestments to be laid upon him for civil causes and sall not be detoanne be vertew thairof after his releasement frome his waird be the Counsell for the caus abovewrittin.”

Sederunt—Privy Seal; Glasgow; Erroll; Murrey; Winton; Edinburgh, Linlithgow; Kingorne; Roxburgh; Galloway; Lauderdale; 1634. Northwestk; Tracquair; Lord Binning; Lord Melvill; Clerk Register.

“Forasamekle as the Lords of Privie Counsell are informed that in the Commission to James, Lord moneth of last Johne Finlay in Canlert of Abiryeldie came Carnagie, and
under cloud and silence of night to the dwelling hous of Androw Acts, June 1634. in Dubbitoun, brake up the doores thairof and spoyled and herryed the honest man and tooke away be stouthreaffe his whole moneyes and what ellis wes within the hous and he is now become fugitive and outlaw for the same; and whereas the impunitie of suche disordered and brokin lymmars may prove dangerous to his Majesteis good subjects and embolden the saids lymmars to continew in that wicked trade of life, thatfoir the Lords of Secret Counsell hes given and grantit and be the tennor heirof gives and grants full power, auctoritie and commissioun, express bidding and charge, to James, Lord Carnegie, and Alexander Gordoun of Abiryeldie, conjunctie and severallie, to pes, searche, seeke and take the said John Finlay where ever he may be apprehended and to bring, present and exhibite him before his Majesteis Justice and his deputys to underly his tryell and punishment for the cryme foresaid as accordis; and generallie all and sindrie others things to doe, exercis and use quhilkis for apprehensioun and exhibitioon of the said Johnes is requisite and necessarie; firme and stable halding and for to hald all and quhatsomer things sall be lawfullie done heerin; commanding heirby the provest and bailleis of Edinburgh to receave the said John Finlay frome the saids commissioners, or suche as saill have the charge of his convoy, and to commit him to ward within thair tolбuth, therein to remane upon his owne expenses till justice be ministrat upon him, as said is, as the saids provest and bailleis will answer upon the contrare at thair perrell."

"Forsamekle as it is understand to the Lords of Privie Counsell that Johnes Leith of Harthill, being a long tyme bygane rebell and at the horne as weil for civil or criminal causes, quhereupon not onelie followed the executioon of captiounis bot also of letters of treason, and ample commissiounis were direct aganis him, all quhilks he hes disobeyd and alighted the executioon thairof by keeping his hous of Harthill as Fol. 271, b ane hous of warre and associating unto himselfe great numbers of brokin men and sorneris with whom he hes latelie veerie hieville infested diverse parts of the countrie beside Aberdeen, by spoyling of the housses of nombers of his Majesteis good subjects, binding and carying of thame-selvses captives to the hillis, to the great terroure of the countrie people; and now at last he is happillie tane and apprehended by the hazardous stravellis and adventures of the gentlemen who wer entrusted with commissioun aganis him, in whos custodie and keeping he presentlie remains. And whereas the exemplar tryell and punishment of suche disordered and brokin men imports veerie neerelie the peace and quyetness of the countrie, thatfoir the Lords of Secret Counsell hes thought fitt and expedient that the said John Leith and Angus Schaw and pypper Boyne, two of his complices who wer tane with him, saill be brought heir to Edinburgh to underly their tryell in maner following, and thatfoir ordains letters to be direct charging the shireff of Aberdein to receave
the said Johne Leith and his twa complices frome the commissioners who
hes him in keeping within ane hour after they sall be presented unto
him, under the pane of rebellium and putting of thame to the horne, and
if they faillye, to denunce, etc., and to transport and carie thame to the
shireff of Kincardin; and siclyke charging the said shireff of
Kincardin and his deputys to receave the said Johne Leith and his
saids complices frome the said shireff of Aberdein and suche as sall
have the charge of thair convoy within ane hour nixt after they sall be
presented unto thame, under the said pane of rebellium, and to transport
and carie thame in suretie to the shireff of Forfar and his deputys; and
siclyke to command and charge the shireff of Forfar and his deputys to
receave the said Johne Leith and his twa complices frome the said shireff
of Kincardin and his deputys and to transport and carie thame to the
shireff of Fyfe and his deputys; and siclyke to command and charge the
said shireff of Fyfe and his deputys to receave the said Johne and his
saids complices frome the said shireff of Forfar within ane hour nixt after
they sall be presented unto thame, under the said pane of rebellium,
etc., and to transport and carie thame to the bailleis of Kingorne and
to command and charge the saids bailleis of Kingorne to receave the said
Johne Leith and his saids twa complices frome the said shireff of Fyfe
and his deputys within ane hour after they sall be delvered unto thame,
under the pane of rebellium, etc., and to transport thame over to the
bailleis of Leith; and siclyke to command and charge the said bailleis
Leith to receave the saids Johne Leith and his saids complices frome the
saids bailleis of Kingorne within ane hour nixt after they sall be
presented unto thame, under the said pane of rebellium, &c., and to
carie him in suretie to the provest and bailleis of Edinburgh, and to
command and charge the saids provest and bailleis of Edinburgh to
receave the saids Johne Leith and his twa complices frome the bailleis
of Leith within ane hour nixt after they sall be presented unto thame,
under the said pane of rebellium, &c., and to committ thame to ward
within thair tolboth, therein to remaine upon thair awne expenses till
forder order and direction be givin anent thair tryell as accordis; and
if the saids shireffs and bailleis and thair deputys faillyeis the tymes
respective foresaids being bypassed, to denunce thame rebellis and put
thame to the horne and to escheit, etc."

"The Lords of Secret Counsell continewes the mater anent the mustour
maister till the moneth of Junij nixt and ordains ane missive to be writtin
to his Majestie heeranent, of the quhilk the tennor follows:—Most
sacred soveran, Whereas the ordering of the patent grantit be your
Majestie to the Lord of Spynie of the office of generall mustour maister
within this kingdome, with the modification of the fees daw to him for
discharging of the service, wes by reference of the lait parliament remitted
to the Counsell, the prosecution whairof being by a letter from your
Majestie recommendit unto us, we accordinglie wrote for some commis-
sioners for ilke estait, with whome we having keeped sindrie meetings and conferred with thame concerning that purpose, there occurred some difficultieis that upon the suddane could not be resolved; for the better cleering whairof we have continued this bussines till Junij nixt, and have hereby thought good to acquaint your Majestie with the reason of this short delay, which we intreate your Majestie favourable to accept. And so praying God to blesse your Majestie with a long and happy raigne, we rest, etc. Frome Edinburgh, the 29 of Marche, 1634. Sic subscribitur, Hadinton, Glasgow, Mairshell, Winton, Roxburgh, Lauderdaleill, Southesk, J. Hay, S. Thomas Hop.”

Edinburgh, 29th March 1634.
Complaint by Agnes Duncan, indweller in the Cannogait, as follows:— John Seatoun, baker there, without any legal process, moved the bailies of the Cannogait to imprison her in October last, and has kept her there now for five months, alleging that she is due to him £60 “for certane aill run be her to him quhilk she fristed1 out at his command to honest men and neighbours about,” and of which he has since received payment as he cannot on his conscience deny. She has frequently urged the bailies to cite him to make count and reckoning and so determine the state of the matter, but he refuses to obey the citations, and the bailies will neither grant her her liberty nor modify her maintenance, and she is like to starve. Charge having been given to the said John Seatoun, and to Mr. James Wilkie and James Simson, bailies of the Cannogait, to produce the complainer, and she compareing personally, but the defender not, the Lords ordain the said bailies to liberate the pursuer.

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

Supplication by Edward Johnestoun, merchant Burgess of Edinburgh, as follows:—Their Lordships’ protection to him for ingathering of his debts expires on 31st instant. He has brought his affairs to “some good point,” and now wishes to go north to uplift some debts there whereby he hopes to pay all his debts. He therefore craves an extension. This the Lords grant until 17th December next.

1 Gave on credit.
1634. CHARLES I. 251

Sederunt—Privy Seal; Winton; Annerdaill; Bishop of Dumblane; Edinburgh, 7th May 1634.

Lord Binning; Master of Elphinston; Advocate; Sir James Baillie.

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

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

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

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

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

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

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

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

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

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

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

Complaint by Mr. David Aitoun, agent in Edinburgh, as follows:—
He is charged at the instance of Patrick Halket of Lumfynnanse to pay to him 8s. for every day from 25th March last until 3rd June next, in terms of a decree by their Lordships, and he intends if he do not pay within a short space to put him to the horn. Now, for obedience of the charge, shortly after receiving it he sent Mr. John Abirrombie, his procurator, to Edinburgh, who on the penult of this instant month [it would be April] made offer of payment to the said Patrick in the complainant's name of the said sum, amounting to £28, upon receiving a sufficient and lawful discharge, which the said Patrick refused to give, as an instrument thereupon taken under the hand of Mr. James Cheyne, notary, shows. He has therefore consigned the sum in the hands of the Clerk of Council to be given up to the said Patrick upon his granting his discharge for the same, and craves suspension of the hornings. Parties compearring and having been heard, the Lords suspend the hornings in respect of the consignation of the money, and also ordain the Clerk to give up the said money to the said Patrick Halket.

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

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

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

“A letter from his Majestie anent a commission for the Middle Shires to be drawin up be the Advocat, quhairanten ordains a letter to be made.
be writtin to the Secretary to send doun a double of the commission past in England to the effect the like may be formed heir."

"The Lords ordains Patrik Halket to be keeped in waird till the nixt Counsell day, and ordains M' David Aitoun to pay his modificatioun weekelie and failyeing that of to pay the double."

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

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

Edinburgh, 3rd June 1634.

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

"Forsamekle as the extraordinarie transportation of coale to forrane parts hes beene by diverse acts of parliament prohibite, notwithstanding upon some good considerations the transportation of coale is tolerat for payment to his Majestie of a certane custome, and his Majestie being sufficientlie informed that for diverse respects importing the good of his service it is requisite that there be a further imposition of custome, and that it may be taken without prejudice of the trade or of the owners of the coale pots, to whome his Majestie will give no just cau of discouragement, thairfor his Majestie, with advice of the Lords of Privie Counsell of the kingdome of Scotland, have ordained, and be the tenor heirof ordinances, that the custome formerlie raised upon coale be doubled by the addition of just so muche thereunto as hes beene formerlie payed, and that this new additioun with the said former custome be imposed and leveyed upon and of the chaldar of Scottish measure of coale transported or to be transported from Scotland to anie part beyond the seas, not being of his Majesties dominions, and that for and towards satisfaction to his Majestie and his successors of all customes and impositions whatsoever to be leveyed and takin of the said coale so to be transported. And his Majestie ordains and commands his officers to whose charge it apperteaneth to have a speciall care and regarde that this impost and custome so raised upon the coale be trewlie uplifted and payed to his Majestie use in the same maner as the said impost wes leveyed before, and that the Lords of his Majesties Exchecker grant letters heerupon for payment of this new additioun of custome with that qhilk wes formerlie grantit in forme as effairis. Thairfor his Majestie with advice of the Lords of Privie Counsell ordains letters to be direct to make publication heirof be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others places neidfull, wherethrow nane pretend ignorance of the same."

"The whilk day the signature underwrittin, signed be the Kings Majestie, anent the doubling of the custome formerlie raised upon the coale transported beyond sea being presented to the Lords of Privie Counsell and read in thair audience, the saids Lords allowed of the said"
signature, past, exped and subscriyed the same in Counsell, and ordains the same to be registrat in the booke of Privie Counsell and letters of publication to be direct thereupon, of the quhilk signature the tennor followes:—CHARLES R.—Our soveraine lord ordains ane letter to be made under the great seale of Scotland makand mention that whereas the extraordinarie transportation of coale to forrane parts hes beene by diverse acts of parliament prohibite, notwithstanding upon good considerations the transportation of coale is tolerated for payment to his Majestie of a certane custome; and his Majestie being sufficientlie informed that for diverse considerations importing the good of his Majesteis service it is requisite that there be a forder imposition of custome, and that it may be takin without prejudice of the trade or of the owners of coalepotts, to whome his Majestie will give no just reason of discouragement, thairfor his Majestie, with advice and consent of the Lords of his Majesteis Privie Counsell of the said kingdome, hes ordained, and be the tennor heirof ordains, that the custome formerlie raised upon coale be doubled be the addition of just so muche thereunto as hes beene formerlie payed, and that this new addition with the said former custome be imposed and levyed upon and of the chaldre of Scottish measure of coale transported or to be transported from Scotland to anie part beyond the seas, not being of his Majesteis dominions, and that for and towards satisfactioun to his Majestie and his successors of all customes and impositions whatsoever to be levyed and takin of the said coale so to be transported. And his Majestie ordains and commands his Majesteis officers to whois charge it appertane to have a speciall care and regarde that this impost and custome so raised upon the coale be trewlie uplifted and payed to his Majesteis use in the same maner as the former impost wes levyed before, and that the Lords of his Majesteis Exchecker grant letters hearupon for payment of this new addition of custome with that quhilk wes formerlie payed in forme as effeiris. And his Majestie, with advice and consent foresaid, ordains publication to be made heirof be opin proclama- tion at the mercat croces of the heid burrowes of the said kingdome and others places neidfull wherethrow nane pretend ignorance of the same, and that thir presents be a sufficient warrand to the Director of the Chancellarie for writting of the same to the great seale and to the Lord Chancellor for appending the great seale thereunto, without anie forder precepts to be direct thereupon. Given at his Majesteis court of Whitehall, the tent day of Aprile, 1634. 

Warrant from his Majesty for the above

Hay; S. Thomas Hop. Followes his Majesteis missive anent the signature abonewrittin:—CHARLES R.—Right trustie and right weib-lovit cousine and counsellor, right trusty and weibbelovit cousines and counsellers, and right trustie and trustie and weibbelovit counsellers, we signature.

greit yow well. Whereas we intended to have imposed sax shillings
sterline upon everie chalder Scottish coale, Newcastle measure, transported from Scotland to farrane parte, yitt, upon humble remonstrance made to us by our trustie and wellbelovit M. Robert Bruce in behalfe of the coalemaisters of that kingdome of the estait of the coale trade there, we have beene pleased to signe a signature onelie for doubling of the former impost raised upon coale, which we require may be exped under our great seale with diligence, for which these presents saill be warrand. We bid yow heartilie farewell. Frome our court at Whitehall, the 10th of April, 1634.”

“The Lords of Secreit Counsell allowes and approves of the presbyterie of Dumfreis thair taking and committing of certaine persons, hearers of messe, whom the Lords ordains the provest and bailleis of Dumfreis to exhibite before thame.”

“Forasamekle as Elspitt Maxuell, callit of Conhaith, being lawfullie and orderlie excommunicat for poperie and having lyne under that census this long tyme bygane, as she does yitt unrelaxt, in contempt of the law and scandall of the kirk, sho hes senyne to the forder contempt and misregarde both of the kirk and law, made a pretendit marriage by a popish preist with Robert Rig at the Brigend of Dumfreis upon the feilds under silence of night with candle light, for the quhilk she is now prisoner in the jayle of Dumfreis; lykea Elspit Maxuell, spouse to Robert Redick, Agnes Maxuell, her sister, Barbara Maxuell, callit the pope, Jeane Beatie in Dumfreis, Jonnet McNacht, spouse to James Anderson, fleshier, John Hirstane, Agnes Jackson, spouse to Marke Broun, Margaret Maxuell, Barbara Logane, wedow, Charles Maxuell, Helene Dobie, Marion Redick, Johne Thomson, Jeane Maxuell, spouse to John Irving, Jonnet Redick, spouse to John Maxuell, messenger, Marion Geddes, spouse to Adame Sturgeon, younger, Jonnet Johnestoun, spouse to David Fraser, Johne Maxuell, callit captans Jock, and Robert Moresone, all indwellers in Dumfreis, ar, or latelie wer, lykeways prisoners in the said jayle for hearing of messe and being present theret sindrie tymes within thir twelfe moneths bygane as thair confessiouns beiris; and whereas thir persons hes verie farre offended God, contemned the law and scandals the kirk, and hes givin evill exemple to others to doe the like, if convnience and oversight be givin unto thame, thairfоr the Lords of Secreit Counsell ordains letters to be direct charging the provest and bailleis of Dumfreis, within whois jayle the persons foresaidis ar or wer latelie, to bring or to caus thame be saffelie and surelie convoyed and brought to the burgh of Edinburgh and exhibite before the saids Lords at a certane day to the intent suche order may be tane with thame as may give terrour to others to committ the like, under the pane of rebellion and putting of the saids provest and bailleis to the horne, with certification, etc.”
1634.

CHARLES I.

[Sedunt as recorded above.]

In the complaint by Griffon Wmkelis of Harnam in the county of Northumberland (narrating the former proceedings of the Council in this matter, ante pp. 256, 257), and that the commissioners appointed had performed their part, as it now remains with the said Griffon to prove his ownership of the cattle he claims and this will be done with least inconvenience to his witnesses in England where the theft was committed, the Lords grant a commission to Sir John Fenwick, knight baronet, and Sir John Dalaveill, knight, jointly to meet at such times and places as may be convenient and take evidence respecting the goods alleged to have been stolen, their size and other distinguishing features, and make report thereof and of the depositions of such persons as shall be adduced as witnesses in writing to their Lordships, that, after comparing their report with the evidence taken in Scotland, they may do justice in the business.

Supplication by Alexander Livingstoun of Greenyairds, as follows:—
He lately petitioned his Majesty for a protection so that he might go about and take some course for the satisfaction of his creditors, and his Majesty has declared his willingness to grant the same if their Lordships are satisfied with his proposals, which he desires shall be heard by them.

Charge having been given to James Sinclair, servitor to the Laird of Polmais, Margaret Sinclair, his sister, John Smart in Hiltoun of Cawa, David Adame there, John Jarves in Achinbowy, William Mersche in Denny and Henry Simsoun, his son-in-law, William Walker in Milnetoun of Ochtrabannock, William and Alexander Rannalds, indwellers in Stirline, William Yair in Elphinstoun, Andrew Leckie in Kippen, Barbara Schaw in Stirline, Andrew Forsyth, lorrimer there, James Robesoun, merchant there, and John Mayne in Sauchie, creditors of the supplicant, to compose and see a protection granted to him or show some reasonable cause for its refusal; and the pursuer composing personally but none of the defenders, the Lords grant him their protection until 1st January next.

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

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

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

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

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

The Lords assign the 10th June instant to William Cuninghame, burgess of Kingorne, and John and James Broun there for proving a complaint by them against Patrick Ramsay in Wester Wemes of assaulting them by gripping them by the arms and holding them until with great rungs he and his accomplices gave them “manie bauche, blue and bloody straikes in diverse parts of their bodeis whairwith they dang out twa of the said James Broun his fore teeth, [and] brake the said William Cuninghames head to the effusioun of his blood.” The com- plainters are warned apud acta, and letters are ordered to be issued for the citation of such witnesses as they may name.

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

“The qubilk day the Lord Torphichin tooke the twelffe of this instant
for producing of suche others writts and probation as he would use for Anent the erection of the lordship of Torphichin to be different from others eractions, and that thairfor the same aucht not to be compre hendit within the act of annexation of superioriteis to the Crowne.”

Sederunt—Chancellor; Treasurer; Privy Seal; Kingorne; Gal- Edinburgh, 12th June 1634.
loway; Annerdaill; Traquair; Bishop of Dumblane; Lord Lorne; Lord Bining; Clerk Register; Advocate.

“The whilck day Johne, Lord Torphichin, compeirand personallie before the Lords of Privie Counsell, declared that he had no forder to say nor what he hes alreadie allegdit for cleering the erection of the lordship of Torphichin to be of a different nature frome others eractions except that his Majestis Advocat answers furnishe him a new ground; wherupon his Majestis said Advocat toke this day aught dayes to give in his answers to the reasons adduced be the said Lord Torphichin.”

The whilck day in presence of the Lords of Secret Counsell com- John Brown, an excommunicated Papist and rebel, exhibited before the Council by Thomas Brown of Glen.
peiried personallie Thomas Broun of Glen, and entered and exhibite before the saide Lords Johne Broun of Lochhill, ane excommunicat Papist and rebell, for not conformitie to the religiou presentlie profest within this kingdome, and that for obedience and satisfactioun of the band made and givin be the said Thomas Broun as cautioner for the said Johne Broun to the moderator and brethren of the presbyterie of Dumfreis; in respect of whilk exhibitioun the saids Lords exoneris and releevs the said Thomas Broun of his band and obligement foresaid and of the pane conteanit therein, and ordains the said Johne Broun of Lochhill to be committed to waird within the tolbuith of Edinburgh therein to remaine upon his owne expenses ay and whill he be freed and releevd be the saids Lords.”

[Sederunt as recorded above.]

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

“The like protection grantit to Mr Johne Hamilton, minister at Cragie, untilt the first of August nixtocome.”

Suppllication by Patrick Fleeming of Carbraine, as follows:—He is engaged as cautioner for the deceased Thomas Fleeming of Langhird-miston, his brother, in great sums of money, and is now heavily distressed for the same owing to his recent death, and also for debts due by John.
Fleeming of Carwod. He is resolved to disburden himself by selling his estate if their Lordships will grant their protection to him for this purpose. The Lords grant him their protection until 1st November next.

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

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

“...The like protectiou grantit to M’ John Oliphant, advocat, againis all hornings or other execution used againis him for anie of his brothers debts till the last of December nixtcome.”

Complaint by Robert Dick and Patrick Ramsay in Wester Wemes, as follows:—They are informed that William Cunningham, mariner in Kingorne, and John and James Broun there, have obtained decree from their Lordships ordaining them to be put to the horn for not comparing to answer their complaint against them, whereas they were never law-
fully charged or they would have obeyed, and as they have each found caution in 200 merks to compear they crave their horning may be sus-
pended. Charge having been given to the said William Cunningham and
John and James Broun, who all appeared along with the said Patrick
Rammay, and having been heard with their witnesses upon the complaint
(ante p. 264), the Lords assize the said Patrick Rammay from the same
because the witnesses proved nothing against him, and suspend the
horning in his case, but they continue the case as against Robert Dick
until 15th July; and ordain 20s. to be paid to each of the witnesses by
the producer.

Complaint by Alexander, Earl of Galloway, and Sir Thomas Hope of
Craighall, knight baronet, and King's Advocate, as follows:—After
lengthened legal proceedings the said Earl obtained decree from the
Lords of Council and Session against John McCulloch of Ardwell for
violent spoliation of the Earl's teind sheaves of the lands and parish of
Mertoun, dated 21st December last, and thereupon he raised letters of
horning and entrusted the execution thereof to Thomas Stewart, mes-
senger, for pointing of the said John McCulloch's goods upon the lands
of Mertoun. Accordingly the messenger and a number of witnesses
went on 13th January last to the barnyard of Mertoun to point the
corn there, when Alexander McCulloch, son and apparent heir of the said
John, and at the command of his said father, produced to the messenger
the copy of a suspension alleged to have been purchased by his said
father of the said horning, and gave this copy to James Lathreis,
servitor to the said Earl, declaring further that he had sent a boy
named John McCulloch with another copy to the Earl's house of Glasser-
toun; and further, in presence of the messenger and witnesses, the said
Alexander wrote out a third copy which he gave to Ninian Garrow, one
of the said Earl's servants. All three copies were written by the said
Alexander. The messenger, believing the suspension to be genuine,
desisted from the pointing; and when the said James Lathreis demanded
the production of the original suspension, the said Alexander declared that
his father had taken it to Edinburgh, but affirmed that these three
copies were true and lawful copies, and that he would stand to their
truth at his peril. Now the said Earl has found from the Clerk of the
Bills before the Lords of Session and Keepers of the Signet, that no such
suspension has been passed by the said Lords nor presented to the Signet,
whereby it is evident that John McCulloch and his son have fraudulently
drawn up and used the same to frustrate the said Earl in obtaining the bene-
fit of the laws, and so they ought to be exemplarily punished. Charge
having been given to the said John and Alexander McCulloch, and pursuers
and defenders compearing, and they and witnesses having been heard,
the Lords find that the said Alexander McCulloch wrote and delivered
two copies of the aforesaid suspension without any lawful warrant,
thereby committing a very great offence, for which they ordain him to
be warded in the tolbooth of Edinburgh upon his own expenses until they release him; he having confessed that for the safety of his father's corns he did so. But the Lords assuizlie the said John McCulloch, against whom the pursuers and their witnesses proved nothing. Further, the Lords ordain the Earl of Galloway to pay the witnesses in the case, giving 10s. daily to each footman and 20s. daily to each horseman.

Complaint by Patrick Alexander, son of John Alexander in Bogheid, Fol. 94, b.

Patrick Mowat in Torreis of Harthill, John Gray, son of Alexander Gray in Nether Carden, John Scot in Aldharthill, Johne Littlejohn at the Mill of Carden, Alexander Elmslie in Aldharthill, William Chalmer in Kirkton of Oyne, John Alexander there, and John Alexander in Boigheid, as follows:—They are informed that they have been put to the horn doubly at the instance of Adam Abircommie of Aldrayne, James Abircommie, his cousin, Patrick, George and William Leith, sons of the deceased John Leith of Harthill, (1) for not finding caution in their Lordships' books each in 400 merks for their indemnity, and (2) for failing to appear before their Lordships and answer for their resetting of John Leith of Harthill. Now they were never lawfully charged so to do, or they would have obeyed, and have suspended the charge of lawburrows for its exhorbitance, they being but poor tenants who by the law are limited to law-surety of £40, and they would have cleared themselves of the other charge. They have found caution for obedience each in £100 and also for payment of their escheats of £20 to the Treasurer, Depute Treasurer, and Receivers of his Majesty's Rents, if found liable therein, and so crave Fol. 95, a. suspension of the hornings. Charge having been given to the persons named, and John Alexander in Kirkton of Oyne compairing personally, but none of the defenders, the Lords suspend the horning in the case of the said John Alexander.

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

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

Complaint by Sir Patrick Agnew of Lochnaw, knight baronet, commissioneer of the small barons and freeholders of the sherrifdom of Wigtoun, as follows:—Conform to the charge entrusted to him, he very diligently and carefully attended his duty all the time of the Parliament and his small barons and freeholders of the sherrifdom of Wigtown for refusing to pay his expenses as their commissioneer in Parliament.

"Outred and furnishing both with abuilyements fitting to the place quhairin he served and for his footmantell, besides the charges of his daylie interteane, wes verie burdennable to him." Their Lordships modified 300 merks as the amount to be paid to each commissioneer of the small barons, in addition to the price of the footmantle, by the barons and freeholders who sent him, and the complainer having charged his constituents to that effect, none of them convened, but they intend to leave the whole expense upon him. The complainer provided himself with a footmantle which cost 600 merks, and this, with the 300 merks above modified, amounts to 900 merks. There are 821¼ merklands owned by the small barons and freeholders within the sherrifdom, and the whole amount being distributed among these makes 14s. 8d. payable by
each merkland; but the said small barons and freeholders refuse to pay the same unless compelled thereto. Charge having been given to Sir John M‘Douall of Garthland, Florence M‘Douall, widow of Hugh Kennedie of Chappell, William Agnew of Croache, Thomas M‘Kie of Drumbuy, William M‘Kie of Myrtoun, William Gordoun of Craichlaw, Katharine Maxwell, Lady Monreith, Hew Gordoun of Grange, Alexander Gordoun of Auchlane, Alexander M‘Kie of Barrawer, William Maxwell of Monreth, Harie Mure of Carnefeild, John M‘Crystene of Monkhill, John Ahanna of Sorbie, Alexander Stewart of Phizgill, Patrick M‘Clellan of Glenturke, Patrick Vaus of Lybreck, John Murray of Brouchtoun, Archibald Dumar of Baldune, Alexander M‘Kie, tutor of Kerequerne, John Gordoun of Barskeoche, Robert M‘Culloch of Drummorrell, John M‘Culloch of Ardwell, Patrick Vaus, appearand of Barnbarroch, and Sir John Vaus of Barnbarrach, small barons and freeholders of the said sheriffdom; and the pursuer compairing personally with the said John M‘Culloch of Ardwell, but no other of the defenders, the Lords ordain them to be charged to make payment to the pursuer of 14s. 8d. for each merkland possessed by them within ten days after being charged upon pain of hornung.

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

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

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

Sederrunt—Chancellor; Treasurer; Wintoun; Southesk; Tracquair; Lorne; Clerk Register; Advocate.

"Forsamekle as the Kings Majestie, considering the great abuses and inconveniences heerefore occasioned in this kingdom through the ungodly sale and immoderat use of tobacco, quhilk, being first brought in this kingdom in small quantitie and used onelie for physick, is now growin to that excesse, being generallie and promisciouslie vented and sold in all places and be all persones at their pleasure and takin so excessivelie, being manie tymes corrupt and rottin, that the health of diverse of his Majesties subjects hes thereby beene endangered; for redresse of quhilk abuse and preventing thatroff in tyme comming his Majestie, tending the good of his subjects, hes resolved to order the sale of that commoditie be suche a way that none bat suche as upon examination shall be found to be fitt sal be permitted to sell or utter the same by small or retails and these to be licenced by auctoritie from his Majestie, putting in at the receaving of the licence sufficient band als weil for selling of wholesome and uncroppert tobacco as for keeping of good order and rules in their severall houses and chopes. And his Majestie forder considering that the fittest way for effecting of this reformation will be to committ the prosecution and ordering thatroff to some persons of trust and sufficiencie to be authorized be his Majestie for that purpose, and his Majestie reposing speciall trust and confidence in the fidelitie and abilitie of his trustie and weilbelovit servant, Sir James Leslie, knight, and Thomas Dalmahoy, servant to his Majesties traist cousine and counsellor, James, Marquis of Hamilton, thairfuir his Majestie by his letters patent under the great scale of the dait at Whitehall, the 19 of Aprile, 1634, hes givin, grantit and committed to the saids Sir James Leslie and Thomas Dalmahoy, thair airis, executouris and assigneyes, his Majesties full, free and absolute power and auctoritie during the space of seven yeeris nixt immediatlie fol-
lowing the dait of the said patent, for and in his Majesteis name to treate, article and transact with suche and so manie persons as they upon examination sall finde fitt to be licencised to sell or utter tobacco by small or retale upon suche conditions and upon suche fyne and rent or soumes of money to be payed thairfoir to his Majesteis use as his Majesteis commisioners and the parteis receavers of the licences can agree upon; with power to the saide commisioners and their foresaides to receave frome the hands of the saide persons the fynes and rent or soumes of money so to be agreed upon. And for the better preventing of suche abuses as hes beene heretofore committed in the sale of that commoditie his Majesteis pleasure is that everie suche person or persons as sall be by the saide commisioners so licencised sall at the receaving of their licences putt in sufficient suretie als weill for selling no tobacco bot suche as sall be wholesome and uncorrupt as for keeping of good order and rule in their severall chops and houses; and for avoyding the counterfootting of the licences that the saide commisioners or their foresaides have a stampe or seal to be affixed and sett to everie suche licence so to be grantit by thame. Thairfowr the Lords of Secret Counsell ordains letters to be direct charging officers of armes to pas and make publicatioun heirof be opin proclamation at the mercat croces of the heid burrowes of this kingdome and others places neifull quherethrow nane pretend ignorance of the same; and to command and charge all his Majesteis officers and magistrats to burgh and land that they be ayding and assisting the saide commisioners and his [sic] foresaides in putting this his royall will and pleasure in executioune; and siclyke to command, charge and inhibite all and sindrie his Majesteis lieges and subjects that none of thame presoome nor take upon hand after the fyftene day of September nixtocom to sell or utter tobacco in small or retale within this kingdome bot suche and so manie as sall be licencised by the saide commisioners, under the pane of confiscation of the said tobacco, beside suche arbitrarie pane as his Majesteis Counsell sall appoint. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R. Right trustie and right wellbelovit cousine and counsellor, right trustie and right wellbelovit cousines and counsellers, right trustie and trustie and wellbelovit counsellers, we greit yow weill. Whereas for reformation and prevention of the abuses heretofore occasiioned through the ungoverned sale and immoderat use of tobacco, we have resolved to order the sale of that commoditie throughout our dominions that none but suche as upon examination sall be found to be fitt may be permitted to sell or utter the same by small or retale, and those to be licencised by authoritie frome us putting in at the receaving of the licence sufficient band als weill for selling of wholesome and uncorrupt tobacco as for keeping good order and rule in their severall houses and chope; the prosecution and ordering of whiche service within that our kingdome we have beene pleased to committ (during the space of seven yeeres) to our
trustie and weilbelovit servant, Sir James Leslie, knight, and Thomas Dalmahoy, as by our gift dated at Whitehall, the 19 day of Aprile, 1634 yeeres, may appeare; our pleasure is that, according to this our roynall intention, yow take order that after the xv day of September nixt ensowing no person quhatsoever presoomt to sell or utter tobacco in small or by retaile within that our kingdome bot suche or so manie as sail be thereunto licenced by our saids commissioners, under pane of our high displeasure and suche a penaltie as yow sail thinkn fit t to impose on suche as sail happen to transgresse, the one halfe thairof to belong to the informer and the other halfe to the saids commissioners; and that yow make this our pleasure knowne to all our loving subjects by letters of publication thairof direct by yow in dew forme, for doing whairof, as also unto yow of our Exchequier for expeding the said graunt, these presents sail be a sufficient warrand. So we bid yow farewell. From our court at Greenewiche, the 29 of May.”

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Wintoun; Edinburgh, 17th June, 1634.
Perth; Kingorne; Wigtoun; Roxburgh; Galloway; Annerdaill; Lorn Lorne; Bining; Clerk Register; Advocate; Sir James Baillie.

“The whilk day Sir Johne Hay of Baro, knight, Clerk of our soverane lord’s Registers and Rolllis, produced and exhibite to the Lords of Privie Counsell the letter underwrittin signed be the Kings Majestie, and directed unto him under his Majestie cashett, by the quhilk letter his Majestie, out of his gracious and tender respect to the weale of his subjects, recommendit to the said Sir Johne and therewith all commandit him to call before him the whole keepers of that Register whiche was established be act of parliament baldin at Edinburgh in the moneth of Junij, 1617 yeeres, and whiche was annexed and incorporat to and with the Clerk Register his office as a proper part and pendicle of the same, and in the quhilk Register all reversions, seasings and others writts specified in the said act wer ordained to be registrat within threescore dayes after the dates of the same, and to take speciall notice of the clerkes and keepers of the said register thair dewteis in the discharge of thair office and if thair registers wer marked conforme to the said act of parliament; and where any abuse or omission had beene by negligence of the keepers of the saids registers in not causing the same registers to be marked by the Clerk Register for the tyme, or his deputs, conforme to the said act of parliament, to rectifie the same; as in the letter foresaid directed be his sacred Majestie to the said Clerk Register for this effect at more lenth is conteinit. Quhilk letter being read, heard and considderit be the saids Lords, and they with all humble and devoutfull respect acknowledging his

\footnote{1 For previous legislation regarding reversions see Index to Acts of Parl. of Scoit., s.w. Reversions.}
Majestie's gracious and tender care for the ease and securitie of his subjects in this mater, they have ratified, allowed and approvin, and be the tenor of this present act ratifis, allowes and approves the said letter and warrant foresaid directed be his Majestie to the said Clerk of Register in the hail points, clauses and articles thairfof, and ordains the same to be insert and registrat in the booke of Secreet Counsell and to have the force and effect of ane act of Counsell in tyme coming; of the quhilk letter and warrant the tenor followes:—CHARLES R.—Whereas, by ane act made in the 22 parliament of our late royall father, holdin in June 1617, a publict register is ordain'd wherein all reversions, seassings and others wris in therein specified sould be registrat within threescore dayes after the date of those writts, under the restrictions mention'd in the act, and that those registers sould belong to the Clerk of Register and his deputies for the tyme, to be annexed and incorporated to and with his office as a proper part and pendicle thairfof, with power to appoint suche deputeis for their lyffes or otherways, as he sould thinke expedient, to be resident at the places and to the effect specifit in the act, they being always of good fame, literature and conversation, appointing those registers to be marked be him or his saids deputys with a note of the particular number of their leafes, as in that act at more leneth is mention'd. Bot we being informed that some of the keepers of these registers have by negligence or otherways omitted to caus the Clerk of Register for the tyme or his deputys marke these registers according to the said act, whereupon great prejudice may arise to our subjects, our pleasure is and we doe heirby will and command yow to call before yow the whole keepers of those registers and to take speciall notice of their dewteis in discharge of their saids offices and to see abuses therein rectified for the ease and securitie of our subjects, and if anie of thame have omitted to marke the saids registers whiche yow finde to be trewli writtin and filled, knowing the keepers thairfof to be reputed honest men, that yow marke or caus your deputeis appointed to that effect to marke thame, and thereafter we doe heirby ordaine the same to be als sufficient to all our subjects interested as if the same had beene marked before the writting and filling thairof, whereanent these saill be sufficient warrant. Givin at our manour of Greenewich, 13th May, 1634. Followes the direction of the warrant:—To our trusty and weilbelovit counsellor, Sir Jhonne Hay of Barro, knight, our Clerk of Register. And forder, the saids Lords declares and ordains that the marking of all suche bookes and registers (as ar not or hes not beene marked in dew tyme) be the said Clerk Register and his deputies sall be als sufficient to all his Majestie subjects interested as if the same had beene marked before the filling and writting thairof. Followes his Majestie missive for warrant of the act abonewrrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trusty and weilbelovit cousines and counsellors, and right trusty and trusty and weilbelovit counsellors, we greit yow weill.
Whereas we have by our warrand required our Clerk of Register to call before him the whole keepers of these registers in which by act of Parliament of our late royall father all reversions, seassings and others mentioned in that act ar appointed to be registered, and to take notice of their dewteis in discharge of their saids offices and particularlie to marke suche of their registers as have by their neglect or ignorance beene omitted to be marked by the preceeding Clerkes of Register, whiche we ordaine to be als sufficient as if they had beene marked before the writting and filling thereof, to the intent our subjects interested may not suffer by the not putting of that act in dew and tymelie execution, our pleasure is and we doe hereby require yow to ratifie and approve our said warrand by act of Counsell and to enact that the marking of the saids bookes (if anie be unmarked) be the said Clerk of Register present and his deputys sall be als sufficient to all our subjects interested as if the same had beene marked before the filling and writting thairof, for whiche these sall be unto yow sufficient warrand. We bid yow farewell. From our mannor of Greefiewiche, 13th May, 1634."

"The whilk day the missive letter underwritten, signed be the Kings Majestie and directed to the Lords of Privie Counsell, anent the celebration of the communio yeerelie in his Majestie chappell of Halyrudhous upon the first Sondays of the moneths of July and December, being presented to the saids Lords and read in their audience, the saids Lords, in humble obedience of his Majestie royall pleasure mentioned in the said letter, ordains the same to be inacted and registrat in the booke of Secreit Counsell to have the strent of ane act of Counsell in all tyme coming, of the qhilk missive the tenor followes:—CHARLES R.—Right trustie and right wellbelovit cousine and counsellor, right trustie and wellbelovit cousines and counsellers, and right trustie and weill belovit counsellers, we greit yow weill. Whereas we wer pleased not long since that yow sould repaire to our chappell at Halyrudhous for receaving the holie communon there upon everie Sunday immediatlie ensweing the dounsitit of the Session in the winter and sommer seasons yeerelie, bot, having now upon some good considerations knowne to us resolved to alter the same, we are hereby pleased to declare that it is our speciall will and pleasure that yow receave the same yeerelie upon the first Sondays of the Moneths of July and December, whiche we will have to be inviolablke keeped, and to that purpose that yow not onelie precceed to encourage all others by your good and heartie exemple, bot where occasion sall offer and in so far as yow can lawfullie and convenientlie doe, that yow proceed with auctoritie for seing this our royall and pious intentioun dewlie performed, whiche we will take as good and faithfull service done unto us. So willing yow that yow caus insert these our letters in your booke of Counsell, we bid yow farewell. From our mannor of Greenwiche, 13 May, 1634."
Majestie and direct to the Lords of Privie Counsell, was presented to the saide Lords and read in their audience, of the whilk the tenors followes:—CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, we gret yow well. Whereas at diverse tyme we have beene pleased to recommand to yow the speedie tryell of the lamentable accident of the burning of the towre of Fendracht and that the same may be done without respect of persons, yitt complaint hath beene made unto us that suche ane exact tryell thairof as is requisite for cleering thairof hath not beene as yitt heard, our pleasure is that having selected some of your owne number for assisting the Justice generall or his deputys for the said tryell yow have a speciall care that with all possible diligence they proceed aganis all suche persons in a legall maner who by apparent presumptions hes beene anie wayes accessorie to the said haynous crime, leaving nothing undone whiche may contribute to the tymelie tryell thairof. Whiche recommending to youre care, we bid yow farewell. Givin at our court in Seaton, the 15 day of July, 1633. Qhilk missive being read and considerit be the saide Lords and they advised therewith, the saide Lords hes appointed and be the tennour heirof appoints a meeting of Counsell to be in the laich counsellhous of Edinburgh upon Fryday nixt the twentie of this instant, qhilk is the criminall dyet appointed to Johne Toshe for his tryell anent his guiltnes in burning the towre of Fendracht, for assisting the Justice deputys and their assessors in the resolutioun of suche doubts as sall occurre in the said tryell."

"The Lords of Secreit Counsell continewes the number of the commissoners formerlie chosin for hearing the comptes of the taxationes, and the saide Lords nominate the Erles of Lauderdaill and Southesk and the Clerk of Register for hearing the Thesaurars comptes."

[Here ends this volume of the Acta, with this docquet:—This booke begins upon the 28 day of July, 1630, and ends upon the sevintene day of Junij, 1634.

(Signed) J. Prymrois.

[Seinertus as recorded above.]
ruption for many years with his predecessors before him; until upon
Saturday, 24th May last, the said Patrick "gave out a number of
threatening and minassing speeches againis the compleaner in his awne
hous, avowing with manie fearfull oathes that if the compleaner came
to the kirk the morne thereafter that he would stay and interrupt him." 
Accordingly he directed Robert Dickson, his servant, James Elphinstoun
in Malsfurde, Robert Crawfurde in Newtoun, sometime his servant, Patrick
Kein in Wolmet, and William Caldwell, tenant of the said Patrick Edmons-
toun, to await upon the compleaner and his tenants and servants and inter-
rupt and hinder them in going to the kirk. Accordingly, these persons,
armed with swords, long staves and other weapons lay in wait, "kuist ane
sewche and bigged up ane dyke of stones to stoppe the passage;" and
when the compleaner’s tenants and servants came forward on their way
to the kirk, they stopped them, telling them that they had warrant from
their master, Wolmet, so to do, and threatened them if they persisted.
The compleaner himself, coming on horseback with his son, when he saw
the opposition, and fearing worse, directed his servants to forbear and
take another way. And there being another road and passage which
they were accustomed to use in going to the kirk, and which has been a
highway for men and horses past all memory, the said Patrick "caused
lykeways big up that rod with great stones and kuist a sewche upon
the same to stoppe and impede the passage." Further, Archibald Hill,
his servant, who had waited at the end of the said road with a "long
pycked forke" in his hand, avowed that if Thomas Mowat, the
compleaner’s servant, had been there he would have stricken him through
the body with his fork. Not content with all this, on the Monday after, the
said Patrick came on horseback in a bragging and boasting manner to
the compleaner’s meadow and hained grass and rode through the same,
making great destruction and spoil, and thence rode directly to the com-
pleaner’s gate, "and in mockage and derision callit for drinke, raid about
his hail dykes, and in swaggering maner made provocatioun to the
compleaner to come out." And again on 28th May the said Patrick,
accompanied by the said James Elphinstoun and Robert Crawfurde, came
to the compleaner’s meadow and rode through the same for the purpose
apparently of making roads and passages there. He has suffered many
other insolencies, and borne with them, but finding he can obtain no
peace thereby he is obliged to have recourse to their Lordships. Charge
having been given to the persons named and both pursuer and the
defenders comparing, and having been heard, the Lords remit the
"cognosing of the wayes and passages foresaid" to the Lords of Session
as judges competent, and meanwhile until their decision, they ordain that
they be made passable to the pursuer and his tenants as they have been
for the past two years, and to be used by the pursuer at his peril.

Counter complaint by Patrick Edmiston of Wolmet and Bessie Fovens, Counter-
complaint by
his servant, as follows:—It is well known in the country how that the
said Patrick and his predecessors have had great distresses and troubles about the coalheuch of Wolmet for many years past. It cost several of his predecessors their lives, and himself above 36,000 merks. Recently he agreed with the Laird of Nidrie, who pretended right to the said coal, "and being fullie possess therein "he" had verie good success in the winning of his coale." But his neighbour, Mr. James Raith of Edmistoun, out of envy at seeing him thrive, has now begun to vex and trouble him and his tenants to draw them to endless lawsuits, and so wreck and undo him. For instance, in November last the said Mr. James directed Thomas Ewart, his servant, to a barn in Edmistoun where the said Beasie Fovens "was caffing sax flrlos of her awne beir," who put violent hands on the woman, thrust her from her beir, and took away the same, and further prosecuted the woman criminally before the Justice as a thief, though conscious of his own iniquity, he passed from the charge. But he did less against the woman than the complainer, her master, who was drawn to great expense in defending her. Again, "he hes caused Johne Hill of that Ilke, his vassall, to hoghe the stoupes of his coalheuche quhilk lyes ewest to the compleiners coale pot and thereby intends to fill and ditt his levell and so to destroy his coale." Further, on 22nd, 26th and 27th May last the said "M' James Raith [sent] his bastard sonne [James] to the commoun hie way leading from the town of Edmistoun to the Cottrie, quhilk hes beene and is ane ordinarie and common hie way past memorie of man, and there the said James awaited upon the coale-cariers comming frome the compleiners coale pot in to Edinburgh and kuist the creeles aff the poore creatures backes and would not suffer thame to goe that way." Moreover, on 24th and 27th May last, he sent John Carfrae and Thomas Hewat, his servants, to the common way through the meadow of Edmistoun, which for over a hundred years has been an ordinary way for all his Majesty's lieges, and when the complainer's servants came and tried to pass they violently stopped them and forced them to return. Further, there being an ordinary coal way and kirk road between the Hyndslands and Coninghamheid, used by the said Mr. James himself and all the country people past memory of man, "the said M' James in despite of the compleuner hes now caused make the said way arable ground, and hes resolved in place of this commoun way to make ane commoun kirkgait and coale gait to himself, his tenants and others throw the compleiners proper lands." Charge having been given to the said Mr. James Raith, and James Raith, his son, and pursuers and defenders both comparing, and having been heard, the Lords remit the question of the ways and passages to the Lords of Session, and meanwhile ordain the defenders to repone them as they were for the past two years, and suffer the pursuer to use them at his peril and hazard.

Another complaint by Patrick

Another complaint by the same, as follows:---Upon a complaint Fol. 101, b. against him by the said Mr. James Raith their Lordships, in June,
1626, ordained them to find caution in 3000 merks for each other's indemnity. His cautioner was the now deceased Sir Robert Hepburn of Alderstoun, and the said Mr. James has charged him to find new caution under the pane of horning. He pleads that this is causelessly done, for although there were then jars between them these were all reconciled and removed, and the said Mr. James has not made and cannot make faith that he dreads harm or oppression at the hands of the complainer. Besides, the penalty is too high, such as is imposed in matters of riot and blood, and 500 merks is the legal penalty for persons of his quality. He has, however, found caution for obeying the charge, which he craves may be suspended. Both pursuer and defender being present, the latter declaring that though he had received no citation he was ready to answer the reasons of suspension; and parties having been heard, the Lords grant suspension in respect of the new caution found by the pursuer, but declare that the amount of caution shall remain at 3000 merks.

Complaint by John Maxwell of Milnetoun, as follows:—In the month of April, 1612, he was the unhappy occasion of the death of John McNacht of Kilquhanmitie, father of Roger McNacht, now of Kilquhan- nitie, and this slaughter has ever since been a most heavy grief and sorrow to him. He has done all in his power to give satisfaction for this, but nothing will content his party but the extreme rigour of the law. He is therefore obliged to betake himself to his Majesteis general pardon proclaimed upon his coronation. The time for this has almost expired, but the complainer, being all this time in Ireland, only heard of it lately. Charge having been given to the said Roger McNacht and to John McNacht, merchant burgess of Edinburgh, his tutor or curator, and they and the pursuer comparing personally, the pursuer gave in an offer of assentment under his hand, which he said was all he was well able to give. This offer the Lords gave to the defenders to advise with until the 19th instant, when they are to inform their Lordships concerning the pursuer's estate and conditions and also how the said slaughter fell out. And they declare that this delay shall not prejudice the pursuer in regard to the time for his pardon.

Supplication by James Somerville of Playne, as follows:—He is selling his lands in order to satisfy his creditors, and has found a purchaser willing to end the bargain if he can obtain the consent of his creditors to the transaction. The supplicant could secure this if he had a protection, which he therefore craves. The Lords grant him until 1st November next.

"The lyke protection grantit to Johne Gordoun of Innermerkie for taking order with his cautionreis for the Lord Gordoun and the Laird of Dunkintie and the debts of umquhill William Gordoun of Rothemay, unto whos pupils the said Johne Gordoun is tutour, till the said first day of November nixt."
Complaint by George Wallace in Claymill, as follows:—On 6th April last, "being Pasche Sunday and the Lords Sabboth," Alexander Coutts at the Mill of Melgin, John Donde there, John Coutts, servitor to Arthur Ball there, John Sowler, servitor to the said Alexander Cowtie, Patrick and John Coutts, sons of Alexander Coutts in Daawche, James, William and John Glashe there, Alexander Fyffe at the Mill of Culsha, Thomas Coutts and Alexander Yuile at the Mill of Snabaff, Patrick Cowts at the Mill of Towy, and James Sower, servitor to Alexander Reid at the Mill of Kildrynie, with others, all armed, came under cloud and silence of night, by way of hamesucken, to the complainer's dwelling house in Claymill, and finding the doors closed, "they forciblie and violentlie brasched and dang up his doores and in a verie furious manner with drawin swords and durkes in thair hands they searched and sought his said hous throw all the parts thairfor for Jonet Wallace, the complainers daughter, whome they in thair boastlie humour thought to have forced and abused at thair pleasure; quhilk they had not failed to have done wer not she naiked in her sarke brake ane hole throw the upper part of the hous and with hazard of her life lap down from thence and escaped." Having missed his daughter, they attacked himself barbarously and inhumanly, gave him a number of cruel and bloody wounds to the effusion of his blood, and left him in a manner as a dead man within his own house. Charge having been given to all the persons named, except Alexander Coutts at the Mill of Melgin, and the pursuer compearing personally, but none of the defenders, the Lords ordain them to be put to the horn and escheated. And the Lords modify £5 to be paid to each of the witnesses by the pursuer.

Edinburgh, 17th June 1694.

The Constable and the town of Edinburgh.

Lord Spynie.

Sederrun—George, Earl of Kinnoull, Chancellor; William, Earl of Morton, Treasurer; Thomas, Earl of Hadinton, Privy Seal; James, Marquis of Hamilton; Patrick, Archbishop of Glasgow; William, Earl of Erroll; George, Earl of Winton; John, Earl of Perth; John, Earl of Wigton; John, Earl of Kin Gore; Robert, Earl of Roxburgh; Alexander, Earl of Galloway; John, Earl of Annerdail; John, Earl of Lauderdale; William, Earl of Dumfreis; David, Earl of Southeek; John, Earl of Tracquais; Adam,
Bishop of Dumblane; Archibald, Lord Lorne; Thomas, Lord of Binning; Robert, Lord Melvill; Alexander, Master of Elphinston; Sir John Hay, Clerk of Register; Sir Thomas Hop, Advocate; Sir James Baillie of Lochend.

“The Lords of Secret Councell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presentit unto thame, gives and grants thair warrand and licence to Alexander Blair to haunt frequent and repaire in all parts of this kingdome at his pleasure for recovering by course of law of suche lands and goods as he doeth succeed unto by the death of his late brother, and that for the space of ane yeer after the dait heirof without pane or danger to be incurred be him therethrough in his person or goods, notwithstanding of anie act made aganis him for his abandoning this kingdome, whereaenent the saids Lords dispenses be thir presents; provyding always that he carie himselfe soberlie and modestlie without scandall, wherein if he faiylie this licence to be voide, and he sall be subject to suche other punishment as he may incure by law. Followes his Majestie missive for warrand of the act abonewrittin:—Charles R.—Right trusty and weilbelovit cousine and counsellor, right trusty and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we gret yow weill. Whereas we ar informed that about the beginning of our raigne the petitioner, Alexander Blair, wes made by act of Counsell to abandoun that kingdome, whiche we ar confident yow caused doe upon verie good consideratiouns; bot being now humblie petiitioned by him that in regard of the death of his brother, to whome he doeth succeid in his right to certane lands in that kingdome, he may repaire thither for recoverie thairof, our pleasure is that yow grant him suche a tyme for that purpose as yow sall think necessarie that he may seeke for his right according to justice and the lawes of that our kingdome. Not doubting of your conformitie to this our pleasure we bid yow heartilie farewell. From our manour at Greenewiche, the 30 day of May, 1634.”

“Forsamekle as in the Parliament haldin at Edinburgh upon the 28 day of Junij last bypast it wes statute and ordained be our soverene lord with advice of his estaitis of Parliament that all and whossoever persons of the Clangregour who sould happin to be within this kingdome upon the xv day of Marche last bypast sould give thair compeirance that day before the Lords of Privie Counsell, and faillyes thairof the nixt Counsell day thereafter following, to the intent that suche of thame as hes alreadie found caution and whois cautioners ar dead might find new caution for thair good behaviour in tyme comming and renunce thair names and that suche of thame as hes not found caution might find caution, with certificatioun to thame that compeirerd not that letters sould be direct to the Lords of his Majesties Privie Counsell to denunce thame his Majesties rebellis and putt thame to the horne, and that than it sould be lawfull
to anie of his Majestie's good subjects to take and apprehend thame whatsoever they might be had and to present thame to the next judges and magistrates to burgh and land to the intent they might present thame before his Majestie's Counsell to be taken order with for their rebellion; as the said act of Parliament containing a dispensation with whatsoever slaughter, mutilation or hurting that could fall out in the taking of the said rebellis more fully proports. And, altho it was expected that these of the Clangregour sould have embraced his Majestie's favour showen unto thame and should have given their compeirance before his Majestie's Counsell to the the effect foresaid, yitt few or none of thame hes compleird bot hes neglected their dewtie and obedience in that point and so hes justlie and worthlie incurred the pane conteanit in the certification of the said act of Parliament aganis the said Clangregour. And the Lords of Secret Counsell being loath to take that advantage of the said clan whilst their contempt and disobedience deserves, they have thairfor thought meit to prorogat and be the tenor of this present act prorogat the terme foresaid appointed be the Parliament to the said Clangregour for their compeirance before his Majestie's Counsell untill the twentie day of July nixtcourse, with this special declaratioun that the said act of Parliament sall stand in full force according to the tenour thairof aganis all suche persons of the said clan as sall be deprehended in the act of anie lawlesse deid; thairfor the saids Lords ordains letters to be direct charging officers of armees to pas and make publication heirof at the mercat croces of Edinburgh, Perth, Stirling, Dumbartane and others places neidfull, wherethrow nane pretend ignorance of the same, and to intimat and declare to all these of the said clan who sall neglect and contemne this favour offered unto thame and sall not give their compeirance the said twentie day of July, that the rigour and extremitie of the said act of parliament sall be prosecute and followed out aganis thame."

"Forsamekle as one Thomas Drummond, having lateli cruellie and barbarouslie murdered and slaine ane poore honest man beside Dumfermline, his wife and barnes, with whom he lay that night, and immediateli thereafter having fled to the west country to lurke there a while among his freinds till he sould have found opportunitie of passage to Ireland, and notice being givin hereof to the right reverend father in God, Patrik, Archbishop of Glasgow, he out of his respect to justice wrote to Bryce Sempill of Cathcart to doe his best diligence for apprehending of this murderer; who accordingli out of the dewtie of ane loyall subject and worthie gentleman made search for the said murderer and with no small hazard apprehended him and his brother, whereupon the said murderer was presented to justice and suffered his condigne punishment. In regarde whairof and the said Bryce Sempill his worthie and generous cariage in this mater the Lords of Secret Counsell hes allowed and approvin and be the tenour heirof allows and approves
of the said Bryce Sempill and his associates their service foressedaid and
gives thame heartie thankes for the same, and declares that they will be
mynddefull of the said service whansoever the occasion of ane of the said
Bryce his affaires and bussinesses sall occure before thame."

"The whilk day Sir Thomas Hope of Craighall, knight baronnet, the erection
Advocat to our soverane lord, compeirand personallie before the Lords of
Privie Counsell, gave in his answers to the reasons givin in be the Lord
Torphichen for proving the erectionoun of the lordship of Torphichen to be
of a different nature frome others erectioun; whiche wer givin up to the
said Lord Torphichen, who wes personallie present, to be advysed there-
with to this day fyftane dayes."

[Sederunt as recorded above.]

Complaint by William Cairmont in Margfas, Margaret Scot, widow of
John Cairmont there, and Janet Cairmont, her daughter, as follows:—
John, Lord Hereis, as lord of the regality of Terregles, put them under
caution to appear before him and his deputes on 31st May last for their
alleged marking of a sheep and other matters, and intend to proceed
against them for the same, but most wrongfully; because (1) They are
suspect judges in this matter, seeing that on May last the said Lord
sent William Ferguson, his officer, and others of his servants to the said
William Cairmont’s dwelling house, where they put violent hands upon
him, carried him as their prisoner to the place of Terregles and kept him
there ten days “with heave bolts of yrne upon his legges,” though he
was his Majesty’s free liege, not taken with the fang, nor refusing to stand
his lawfull trial. After they had kept him thus in prison in great
misery the said Lord caused summon an inquest and brought the said
William forth to his trial, but “finding that the assysours wer not
weill laboured upon and that they would cleange the compleaper, slipped
furth and said he would hold no court that day,” and caused the said
William and the rest of the complainers find caution as aforesaid. (2)
“Not onelie is John Charters in Barnecluche, bailie depute to the said
lord, his man, vassal and servant, bot the haill assysours whom he is now
to use, and his procurator fiscall, Hamilton, ar other tennents of his
lands or domesticks of his hous or persons within degrees desendent
to the said lord in consanguinitie or affinitie,” and the persons who have
delated the complainers are tenants to Robert Maxwell of Orchardtoun,
“who and ·the said Lord Hereis ar brether barnes, and they ar verie
infamous persons, not worthie of his Majestie unlaw, who, having beene
convict for diverse crimes before the said Lord Hereis his late father,
wer forced to cömpone with him for their lyffes, and they have now
nothing to live upon bot suche desperat and malicious challenges,
whereby they intend to prey upon the complainers and others his
Majestie good subjects by making thair eecheits fall in the said Lord
Hereis his hands, who for their service as they suppose will give them a part thereof." (3) The complainers have never been lawfully cited nor received a copy of their indictment, which illegal procedure is especially dangerous in Lord Hereis towards them who by his conduct has made himself a party and cannot be their judge. Further, to testify their innocence they have found caution in the books of Adjournal to stand their trial for anything that can be laid to their charge before his Majesty's Justice and his deputies, and crave that their trial be remitted to them and the parties complained against discharged from further proceedings. Charge having been given to the said Lord Hereis and John Charters, and to Mr. Cuthbert Cuninghame, their clerk, and the said William Caimunt appearing personally for himself and the other complainers, and Lord Hereis also appearing and producing the indictment against the pursuers, the Lords having heard parties, remit the trial of the pursuers to his Majesty's Justice and his deputies, without prejudice of the regality rights of the said Lord Hereis, who is given liberty to sit with the said Justice in this trial by himself or his bailies if he desires so to do, and discharge him and his deputies, procurator fiscal and clerk, of all further proceeding in this matter.

Supplication by John, Bishop of Caithness, and George, Bishop of Orkney, as follows:—"The pitiful and deplorable estait and condition of the people within the countreis of Caithnes and Orkney, of whome great multituds by famine have miserable perished this yeere, hes moved the supplicants out of their bound dewtie and Christiane commiseration of thair calamitie to represent to the said Lords the desolation quhilk in these bounds is like to fall out if some present course be not tane for preventing the same. For this last harvest, before the cornes wer fullie rypped and cutt doun, suche tempestuous and bitter weather blew from the ocean upon these parts that the cornes wer so blasted as they never filled, and what seemed to be filled did na ways answer the peoples expectation, the boll of aittis in manie parts not giving ane peck of meale, and where there appeared to be ane chaland of beir the same did not render the fourt part to be seed; quhereby the thrid rig lyeth unsowin and in manie parts the halfe is not sowin; quhilk hes caused so great dearth and famine in these parts that multituds dee in the opin feilds and there is none to burie thame, bot where the minister goeth furth with his man to burie thame where they ar found. The ground yeelds thame no cornes and the sea affords no fishes unto thame as formerlie it wount to doe. The picture of death is scene in the faces of manie. Some devour the sea ware; some eate dogges; some steale foules. Of nyne in a familie seven at once died, the husband and the wyfe exyring at one tyme. Manie ar redacted to that extremitie that they ar forced to steale and thereafter ar execute; and some have desperatelic run in the sea and drownned thameelss. So great is the famine there that the people of meane estait have nothing and these of
greater ranke have nothing that they can spare." They crave that their
Lordships would grant their letters of recommendation in favour of these
poor people. This the Lords do, and recommend "the pitifull and
deporable estait of the poor people in the countrie of Orkney and
Zetland to the charitable consideration of his Majestis Privie Counsell,"
the Senators and members of the College of Justice, the provost, bailies,
council and community of Edinburgh, and all other well-disposed Chris-
tians within the kingdom to burgh and land; also to the inhabitants of
Caithness, and sheriffdom of Aberdeen and parts benorth the same,
exhorting thame to extend their charity and benevolence to the relief of
these poor people.

Supplication by John Alie, burgess of Jedburgh, as follows:—William
Alie, his brother, died lately under the burden of some debts, for pay-
ment of which he served himself as his heir, and was resolved with all
possible diligence to dispose of certain of his lands for satisfying his
creditors. But Ragwell Bennet of Chesters, father-in-law of his said
deceased brother, intending to appropriate his whole means and estate to
himself, has taken assignations to his whole debts, and designs to com-
prise the lands therefor, and trouble the complainer with captions and
other legal diligence; for he will neither buy the lands himself nor give
the supplicant time to dispose of them to others, and they are of three
times the value of the debt upon them. He craves their Lordships'
protection; and this they grant until 1st November next.

"The like protection past and exped to James Home of the Abbey of
St Bothans for attending the commissioners for the teinds till the first of
August nixt."

Supplication by James Spence, merchant burgess of Edinburgh, as
follows:—Most of his creditors have consented to supercede diligence
against him for a certain time, and the only one who stands out is
William Thomeson, merchant burgess of Edinburgh, who has obtained
intromission with his whole estate, which is of the value of £10,000;
more than he is justly due to him, and he intends to prejudge the rest
of the supplicant's creditors of their satisfaction unless a remedy be pro-
vided. Charge having been given to the said William Thomeson, and
he kompearing and also the pursuer by Mr. Robert Trotter, his pro-
curator, upon the said William Thomeson giving his consent the Lords
grant their protection to the said James Spence till the 24th July next,
so that he may clear his accounts with the defender, providing that the
pursuer appear before their Lordships on the 24th instant and nominate
auditors of his accounts and find caution for the indemnity of the
defender, the which if he fail to do this protection shall be thence-
forth void and null. And the Lords declare that the granting of this
protection shall be no bar to any criminal pursuit which the defender
may bring against the pursuer.
A letter concerning Francis Stewart and the Earl of Buchan, giving the particulars of his Majesties decreit arbitral and exposition thereof, quhairament ordains the partieis advocate to be warned.

Sederunt—Chancellor; St. Andrewes; Privy Seal; Glasgow; Annerdaill; Southesk; Lorne; Clerk of Register.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Kingorne; Annandaill; Dumfreis; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Lorne; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Sir James Baillie.

Commission to Archibald, Lord of Lorne, and Neill, Bishop of the Isles, to inquire into the exactions levied by the landlords and heritors of the Isles from their tenants, and into the presence of foreign traders in the said Isles.

Forsoomake as the Kings Majestie, being informed of the great exactions and daweis raised be the heretours of the Yles upon his Majesties subjects of the Association for the Fishing within his Majesties kingdome and how that strangers ar brought in and thair vessels loadned with fishe and others native commoditeis contrare to the lawes of this kingdome; his Majestie out of his royall and princelie regard of the weale of his subjects and good of the Associationi hes by his letter, writtin and directed to the Lords of his Privie Counsell, seriouslie and earnestlie recommendit unto thame the taking of ane particular acompt and tryell by whome and upon what ground or warrand these daweis ar uplifted and takin, and to discharge what sall not be found to be dew of that kynde, and to take order with strangers who resort and trade to the Yles contrare to the lawes and to the course intendit by the patent of association, as his Majesties said letter at lenth beiris. Qhilk being this day presented and read in Counsell, and the Lords having considerit the same and being well advised therewith, the saids Lords, in humble and dweitfull obedience of his Majesties direction, being careful to give his Majestie satisfaction therein, hes givin and grantit and be the tennor heirof gives and grants full power and commission, expresse bidding and charge to Archibald, Lord of Lorne, and Neill, Bishop of the Yles, conjunctlie and severallie, to repair to the Yles with convenient diligence and to call the landlordis and heretours of the Yles before [thame] and to examine thame and to take particular tryell beside what daweis they exact of his Majesties subjects of the Association resorting there, what is the ground leave of these exactions and by what warrand they doe the same; as alsu to take tryell and informe thameselffes how and by whome strangers ar brought in and thair vessels loadned with fishe and others commoditeis; and to report their diligence heerin in writt to the saids Lords upon the first Counsell day of November next to the intent suche forder course and order may be tane heerin as his Majestie by his letter hes directed. Followes his Majestie missive for warrand of the act foresaid:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellers,
right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas it is not unknowne unto yow with what care we have intended the good of the Association of the Fishing within these our kingdoms for the use of our subjects and that we will be provident to protect thame frome the exactious of the heretours in the Yles who, as we are informed, without warrand exacts sindrie dewteis of thame to thair great prejudice, bringing in strangers and loading thair vessellis with fishes and other native commodities contrarie to our lawes; our pleasure is that yow call before yow the landlords of those Yles where the fishings ar and take ane accompt of thame by knowing upon what warrand they take these dewteis; and that yow discharge what yow find not dew in that kynde upon verie good grounds, sending unto us a note of all that is exacted and of thair ground leave; and that yow take order with strangers who resort and trade there contrarie to our lawes and the course intendid by the patente of association. So expecting that no suche misdemeanour be committed in tyme comming, we bid yow farewell. Frome our mannour at Grenewiche, the 26 of May, 1634."

"A letter from his Majestie for renewing the stent rollis of the burgh of Dundie in respect of the decay of trade in that toun, quheranent ordains the commissioner for the borrowis to be warnit to the first of July."

"A letter for putting certane acts of parliament to execution for quyeting of the Hiedlands."

"M' Wmkill's proces given up to the Advocat to be advysed thairwith till Thursday."

"Assignes Thursday nixt to Scottistarvet and Sir William Scoit, tutors to the Erle of Bucleuche, and to Mr Robert Craig, advocate for Francis Stewart, who were personallie present, to answer to his Majesties letters direct concerning the decreit arbitrarl given by his Majestie betuix thame."

"The quhilk day the Lords modifies the fyne of v merkes quherein Robert Dumbar of Moynes wes deccerned to Archibald Torrie to iii merkes and discharges the j merkes quherin he was fyned to the King, and ordains him to find caution for the indemnitie of the said Archibald and that he sall not resett nor supplie Thomas Dumbar, under the paine of j fl. In respect quherof the Lords suspends the saids three horneings, and the fyne being payed and caution fund in maner foresaid ordains the said Robert Dumbar to be relaxed fra the proces of the saids horneings."

"The Lords of Secret Counsell, according to ane warrand and direction. Protection to
in writ signed be the Kings Majestie and this day presented and read in thair audience, gives and grants thair warrand to Sir Hew Wallace of Cragie and to his cautioners to haunt, resort and repaire to and fra in all parts of the countrie for doing thair lawfull affaires at thair pleasure for the space of ane yeere nixt after the dait heirof, and during that space not to be takin, apprehendit, warded nor arrested be vertew of anie letters of horning, captioun or others warrands past aganis thame for civill causes; discharging heirby all judges, officers and magistrates to burgh and land of all taking, warding or arreisting of the said Sir Hew or thair cautioners be vertew of anie letters of horning, captioun or others warrands for civill causes, discharging thame thairof and of thair office in that part for thair yeere after the dait heirof. Followes his Majestie missive for warrand of the act abonewrittin:—CHARLES R. —Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas at the humble sute of our free burrowes we recommendit to yow that no protectioun be grantit without dew and just ground and consideration; but calling to mynde that Sir Hugh Wallace of Cragie hes beene a long suter to us to have payment of these moneys condescended upon for reduccing to our crowne of his two ancient heretables offices, in regarde whairof and other good consideratious mentionned in our former warrand tuicheing that purpose, our pleasure is that yow grant unto him and his cautioners a protection for one yeere, for which these sall be your warrand. We bid yow heartilie farewell. Frome our mannour at Greenewiche, the 28 of May, 1634."

[Sederunt as recorded above.]
and freindship," in respect whereof the Lords ordain a remission to be
exped to the pursuer for the said slaughter in terms of his Majesty's
pardon.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and
Adam Abircombie of Aldrayne, as follows:—In contravention of the
laws forbidding the wearing of hagbute and pistols, on March last
John Leith of Harthill, with convocation of a great number of sorner
and broken men, armed with bows, targes, hagbute and pistols, came under
cloud and silence of night, by way of hamesucken, to the dwelling house
of Henrie Clerk, tenant to the complainer in Aldrayne, "brash the doores
thairof, tooke one of the said Adams men, callit Thomas Clerk, and band
him hand and foote, held another of his servants, callit Johne Mitchell,
till they searched the said Henrie his houes, resolving if they had gottin
him to have slaine him, and missing him they tooke a broust of new beir,
dranke out a part thairof and spilt the rest upon the floore, brake up his
kists and beef fatts, cutted his seckes with swords and durkes, spulzed
and away toke his hail salt beiff, muttoun and other victuall being
within the houes, with his bed cloathes and what ellis they could find in
the houes. And thereafter the same night they came to the dwelling
houes of George Mathesone, another of the compleanners servants, strake
up his doorees, searched the poore man throw the hail hous with candle
light, and missing him they threatned to hold his wifes soles to the fire
whill she sould tell both where her husband and his moneyes wer; and
they took with thame suche small geir as they fand in the houes.

And upon the 17 day of the said moneth of Marche they came of new
to the said Henrie Clerks hous, patt violent hands on his person, tooke
him captive, being his Majesties free subject, band his hands and caried
him as a prisoner with thame to the dwelling houes of Johne Alexander
in the hill brea on the north side of Bannachie where he lay two nights
in the yernes, and caried him over the hill to the dwelling houes of Thomas
Gordoun in the Glentoun upon the south side of the said hill, quhaur they
layed him three nights in the yernes. And the said Johne gave command
to his Hieland men to sticke the said Henrie how soone they perceaved
anie man to come to relieve him; and before he lett the poore man goe he
tooke him deepelie sworn that he sould never strike pleuche nor harrow
in the lands of Aldrayne, and he forced the said Henrie to give him ane
hundreth merkes. And when his poore wife had sauld her best plenishing
to gett this hundreth merkes and she having offered the same to him for
her husbands reliefe, he refusit the same till Johne Leith of Newlands
his wife became cautioner for the other doller. Lykeas the said Johne
Leith of Harthill be himselfe and his commissioners threatened the whole
tenntes of Aldrayne nather to strike pleuche nor harrow upon the saids
lands, otherways he vowed to God to hang thame everie man over their
awe bales. Upon occasioun whereof the hail labourers and occupyers
of the lands of Aldrayne left the ground, so as there wes not a reiking

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hous within aucth plewes of the saids lands, aucth crofts and a myle of ground, except oneiel Johne Ker, who maried one Leith to his wife. And the said Johne his freinds, as namelie, M'r Androw Logy, person of Rayne, George Gordoun of Newton, Normand Leslie of Tulloch, George Leith of Threeseild, John Leith of Newlands, and Alexander Leith, brother to the said John Leith of Harthill, knowing that thir particular points and oppressions abonewritten wer cleer and undeniable they resolved, so farre as in thame lay, to obscure the same and that no discoverie sould be had thairof; and for this effect they came to the Henrie Clerkes hous upon the day of , and not oneiel there bot in all other places where they rancountered him they threatened him to give unto thame ane discharge of the wrongs abonewritten, protesting and avowing with manie fearfull oaths to opin him quicke if he gave not the said discharge, or if evre he revealed or compleaned upon the oppressions abonewritten: lykea the poore man for just feare of his life gave the said discharge. And how soone the compleaner gott knowledge of thir great insolenceis committed upon his poore man be demanded of him if he would compleane, who answered that he nather would nor durst compleane, and that it would cost him his life if it were knowne he had a purpose to compleane." Charge having been given to the said John Leith of Harthill, George Gordoun, Alexander and John Leith, Mr. Andrew Logie and Henry Clerk, the last named for concurring with the complainer in this business; and the pursuers compearing personally, also the said John Leith of Harthill, Henry Clerk, Mr. Andrew Logie, Normand Leslie and George Leith of Threeseild, and parties and their witnesses having been heard, the Lords find the complaint verified against the said John Leith of Harthill in the matter of Henry Clerk, in illegal convocation of the lieges, usurping authority and wearing firearms, and they ordain him to be carried back to the tolbooth and there remain until further order be taken with him. But the Lords assosilze Normand Leslie, Mr. Andrew Logie and George Leith, the complaint against whom was referred for proof to their own oaths of verity, and which they thereupon denied. Further, the Lords modify to Alexander Leslie £10, and to William Leslie and Andrew Peirie, each £5, for their expenses as witnesses, to be paid by the pursuers.

"The quhilk day the Advocat reported that he had conferred the twa probations and tryell takin anent the goods stollin from Griffon Wmkellis, and finds the tryell to agree, quhereupon the Lords ordains the parteis havers of the goods to be charged to compeir to heare and see thame decerned to delvery the goods to the said Griffon or the prices thairof."

"The quhilk day the parson of Leith, being assisted with M'r James Baird his advocate, declared that he was content of his owne consent that the kirk and session of Leith being secured in thair right be the advice of his Majesteis Advocat and of M'r Andro Aittoun and M'r Thomas
Nicolsone, the said parson his gift of the preceptorie of St\' Antons to be totallie supprest."

"A letter from his Majestie concerning the laird of Lundie, quhere-

anent ordains Sir James Lundie to be warned."

"The Lords continewes the mater anent Bugcleuch and Francis

Stewart till Tuesdai nixt."

Sedrun—Chancellor; Treasurer; Privy Seal; Wintoun; Perth;

Kingorne; Wigtoun; Roxburgh; Galloway; Dumfreis; Stirline;

Sowthesak; Traquaire; Lorne; Melvill; Naper; Bishop of Ros;

Bishop of Dumblane; Secretary; Clerk Register; Advocate.

Supplication by George, Marquis of Huntly, as follows:—Upon Friday

last, 20th June, John Toshoche was tried before his Majesty's Justice for

the burning of the Tower of Fendraucht, and at the close, when the

Justice and his assessors were going to retire to consider the case, "the

said Johne, in presence of the Justice and assessors and some of the

nobilitie who were present, publiclly affirmed by solemn oath upon his

knees that he having sent one to the supplicant to shaw his innocencie

that the supplicant returned him worde againe be James and David

Abercrombie that he knew vere weele that he was innocent of that

cryme, bot that he knew him to be a knave, and that he rather parted

Fendraucht then him, and that the supplicant offerit him be the saide

personis that he would confesse the cryme and delate Fendraucht as

guiltie thairof, and sua sayit upon him that the supplicant would purches

to the said John his remission and give him ten thousand merks for his

reward;" whereby the said John did all in his power to persuade the

judges of his innocency and to impute to the supplicant the "most foule,

filthie and destetable cryme of falset and subornation." When the said

John was brought to his answer for this before their Lordeships on 21st

June last, he "most impudentlie and affrontedlie avowed and abode be

the same," but their Lordships, after examining the said David and

James Abercrombie, and other witnesses given up by the said John

himself, found his statements to be most false and malicious. The

supplicant therefore craves that the said John be publicly and most

exemplarily punished, as otherwise it will leave an infamous blot upon

him. The Lords, having heard this petition, and also of new examined

the said John Toshoche upon the said speeches, who denied having

uttered them, or having complained of or against the said Marquis, the

Lords find it proven by the testimony of witnesses and otherwise that

the said John Toshoche did utter the speeches libelled against the said

Marquis and no others, and so deserves a more severe punishment than

they will for certain reasons now inflict, but for vindication of the said

Marquis they ordain the provost and bailies of Edinburgh to cause the

said John be carried to the market cross of Edinburgh by their officers
and executioner on Monday, the 7th instant, "and there to be sett upon the most eminent part of the croce with ane paper on his head, and to stand from ten of the clocke in the fornoone till twelfe of the clocke, and thairafter to be caried backe to his warde be the saids officers and executioner; and that there be written upon the paper in great letters—

Heir stands John Toshe who is found and declared to have maliciouslie calumnist the Marques of Huntlie, and that thairfore he is heirly declared to be a notorious liar and a knave."

Supplication by Andrew Wardlaw of Torrie, as follows:—The protection granted to him by their Lordships has expired and he is still in treaty with several gentlemen for the sale of his lands to pay his creditors, but the business cannot well be perfected without a prolongation of his protection. This accordingly he craves; and the Lords grant him till 4th November next.

Supplication by John Dunbar of Moynes and Robert Dunbar, apparent thereof, his son, as follows:—Their protection expires this day, and they have procured a purchaser for their lands, and securities are presently being drawn up. Further time is therefore required to complete the transaction, and this they crave. The Lords extend their protection to the 15th instant:

"A letter from his Majestie for ane protection under the great seal to James Arnot for seaven yeares and ane signature past thereupon accordinglie."

"The Lords ordains the Thesauraris principall and depute to convene the officiaris of his Majestis cynyiehous before thame and to command thame in the Counsells name to suffer and permitt M' Briot and his servants to worke the copper coyne in maner as the was formerlie wrought.

"The Lords appoints Moonday in the forenoone to the tutors of the Erle of Bucceleuch and their advocats and Francis Stewart his advocats to convene and meet with his Majestis Advocaet anent his Majestis directioun in the maters contraverted betuix the partiea."

Edinburgh, 1st July 1634.
Protection for seven years to James Arnot.
Anent the manufacture of copper coin.

The Earl of Bucceleuch and Francis Stewart.

Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Acta, June 1634-April 1635. Kingorne; Wigtoun; Roxburgh; Galloway; Annderdaill; 1636. Launderdail; Southesk; Dumfreis; Traquair; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Naper; Clerk Register; Advocate.

Anent Papists in Dumfries: "Anent our soverane lords letters direct makand mentioun, forsamekle as Elspitt Maxuell, callit of Conhaith, being lawfullie and orderlie excomunicat for poperie and having lyin under that censure this long tyme bygane, as she does yit unrelaxt, in contempt of the law and to the scandal of the kirk, she hes sensyne to the forder comtempt and misre-
garde both of the Kirk and law made a pretendit marriag by a popish preist with Robert Rig at the Brigend of Dumfreis upon the feilds under silence of night with candle light, for the quhilk she is now prisoiner in the jayle of Dumfreis; lykeas Elspitt Maxwell, spous to Robert Redick, Agnes Maxwell, her sister, Barbara Maxwell, callit the pape, Jeane Beatie in Dumfreis, Jonnet McNought, spouse to James Anderson, flesher, Johne Horstane, Agnes Jackson, spous to Marke Broun, Margaret Maxwell, Barbara Logane, wedow, Charles Maxwell, Helene Dobie, Marion Redick, Johne Thomesone, Jeane Maxwell, spous to Johne Irwing, Jonnet Redick, spous to James Maxwell, messinger, Marion Geddes, spous to Adame Sturgeoun, younger, Jonnet Johnestoun, spous to David Fraser, and Robert Moresone, and Johne Maxwell, callit Captans Jock, all indwellers in Dumfreis, ar or latelie wer prisoners in the said jayle for hearing of messe and being present thereat sindrie tymes within thir twelth moneths bygane, as their confessionis beiris. And whereas thos persons hes verie farre offended God, contemned the law and scandalled the Kirk, and hes gevin evill exemple to others to doe the like, if convinence and oversight be givin to thame; and anent the charge givin to Johne Irwing, provest of Dumfreis, Thomas Maxwell and Johne Williamsone, bailleis of the said burgh, within whose jayle the persons foresaidis remains or latelie wer prisoners, to have brought or to have caused the persons foresaidis be brought and saifelie and surelie conveyd to the burgh of Edinburgh and exhibite, before the Lords of Privie Counsell this present day to the intent suche order might be tane with thame as might give terreour to others to commit the like, under the pane of rebellion and putting of the saids provest and bailleis to the horne, with certification to thame and they failied letters soule be direct simpliciter to putt thame thereto, lykeas at mair lenth is contein in the saids letters, executiouns and indorsations thairof. Quhlks being callit and M Thomas Ramsey, minister at Dumfreis, togidder with Johne Williamsone, one of the bailleis of Dumfreis, compeirand personallie, who for obedience of the charge exhibite before the saids Lords the hail persons abonewritten except the said Robert Moresone, who compeir be Harbert Moresone, his brother, and Charles Maxwell, who compeir be William Maxwell, his father, and Agnes Jackson who, in regard of her notour sickenesse, was excused. Quhlks hail persons present being demanded be the saids Lords whether or not they would conforme to the religion presentlie protest within this kingdome and if they were sortie that they had transgressed the lawes of the countrie by thair hearing of messe, the saids Jonnet McNacht, Johne Horstone, Helene Dobie, Johne Thomesone, Jonnet Redick, Marion Geddes, Jonnet Johnestoun and Margaret Maxwell declared that they were heartlie sorrowfull for the scandal they had givin to the Kirk and violating of the lawes of the countrie by hearing of messe, and craved the Counsell pardon for the

1 See ante, p. 263.
same, and gave their faithfull promise in all tyme comming to obey the lawes and constitutions of the Kirk, and for that effect to resort to the kirk, heare preachings and to communicat, and that they sould not heare messe nor ressett jesuits. And the saids Elspitt, Barbara, Jeane and Agnes Maxwell, Jeane Beatie, Barbara Logane and Marion Redick refused to conforme to the religioun presently profest within this kingdom, in respect whairof the saids Lords ordains thame to be committed to waerd within the tolbuith of Edinburgh therein to remaine upon their awne expenses till they befred and releewed be the saids Lords. And the saids Lords ordains the others persons foresaid who promised conformitie to kepe waerd within the burgh of Edinburgh and not to come furth of their lodgdings till they be releewed, for qhillk purpose the said Marion Geddes nominat the hous of Robert Young, stabler, to be her lodging hous, and the remanent persons nominat the hous of David Edgar, indweller in Edinburgh, to be their lodgging hous. Lykees the said Harbert Moresone actit himselfe to exhibite his said brother Robert before the saids Lords upon Tuisday nixt, under the pane of v° merke. And in regarde the said Charles Maxwell has removed himselfe furth of this kingdom since the charge givin for his exhibition, the saids Lords ordains the said William Maxwell, his father, to exhibite him before the saids Lords if ever he returne within this kingdom, and the saids Lords finds and declares that the said William has incurred the pane of three hundred merkes contey nit in his band givin to the provest and balleis of Dumfreis for entrie of his said sone whenever he sould be lawfullie charged and suspends the execution of the said band agains him during his sonnes remaining furth of the crountrie."

Complaint by Griffon Wmkills of Barnam in Northumberland, as follows:—He narrates the proceedings already taken in his matter (see pp. 256, 257 ante) and the commissions granted for taking evidence, whereby the following witnesses and evidence were adduced:—Andrew Melvill in Sconie deponed that he had two black oxen in his possession, "both of the heicht of twelffe neives or thairby," which he bought from David Paterson in . , of which one is marked on the outsie of the nearest horn with the letters G and F graven with an iron, "having his farrest lugge first cutt over and then lotted doune a piece"; while the other ox had a mark with a burning iron like an O on the outside of the nearest horn, with both ears "cuttit right over and the narrow lug wes lotted under the cutt." James Lathresk in Balwghinerie declared that the ox which he bought at Fakland and which was in his possession was
a black coloured ox, with the letters G and F on the outside of the nearest horn and "cutted right over the narrowst lugge." James Sibbald in Bowsalie declared that he bought two oxen at Fakland, one of which was dead, and the living one was marked on the ears with a "skellope yron." George and William Melvill in Donyface declared that the ox they are troubled for is dead, and they produced one of his horns having the letters G and F on the outside. And James Tenent declared that he bought two oxen from one John Tagarde, which he sold to Henry Grinlay in Hathornesyke, who still has them in his possession, and which being inspected by John Wmkills, son of the said Griffen, he affirmed that the black ox only belonged to him and his father, and that the other branded ox belonged not to them. As for the commission given by their Lordships to Sir John Fenwick and Sir John Dallaveill (ante p. 261), they accepted the same and reported what they found; and it has now been reported by those to whom their Lordships remitted the comparing of these probations that the two substantially agree, and therefore the persons who have his cattle ought to restore them to the complainant or pay their price, which they refuse to do unless compelled. Charge having been given to the said James Tenent, James Lathreish, James Sibbald, and George, William and Andrew Melvill, and they, with the exception of James Lathreish and Andrew Melvill, comparing along with the pursuer, the Lords, after hearing parties, ordain Andrew Melvill, James Lathreish and James Sibbald to deliver to the pursuer his said oxen which are now alive and in their possession, or pay him £6 sterling for each of them. For obedience of which ordinance the said James Sibbald promised to bring his one ox, and the said George Melvill undertook for Andrew Melvill that he would bring his two oxen to Fakland on Tuesday next and have them in readiness at James Haithie's house there for delivery to the pursuer; and John, Earl of Annandaill, promised on behalf of James Lathreish that he would likewise deliver the ox he had. Their Lordships, however, assailzie James Tenent, because before the raising of this action he had sold the goods to Henry Grinlay in Hathorne- syke, against whom the pursuer has competent action for repetition.

Supplication by George Ker, tailor and burgess of Edinburgh, as Supplication by George Ker, tailor and burgess in Edinburgh, follows:—"In the late seditions, muttonie and tumult quhill fell out within the burgh be the procurment of some prettises and jorjemen, James Foorde, his apprentice, is given out as one of the chief, "and it is lyke enough that he hes beene to busie thairin," for as soon as he heard that order was being taken therewith he fled. The provost and bailies have put it upon the supplicant, as his master, to exhibit the said James Foorde, but, being only a private man, he cannot do so without the concurrence of the magistrates of the place where he now resides. He therefore craves their Lordships' warrant. The Lords grant hereby warrant and commission to the sheriff of Hadintoun and his deputes, within whose bounds the said apprentice presently is, to search for and
apprehend him and hand him over to the magistrates of Edinburgh to be tried and censured for his crime by them.

Supplication by Fergus Graham of Blaatwood, as follows:—For relief of his debts he is in treaty with the Earl of Annerdaill and Robert McBrair of Almigill, two of his principal creditors, and is in hopes thereby to secure the satisfaction of all of them, if their Lordships will secure him from the danger of the law for a certain space. The Lords grant him their protection until this day eight days at night.

Mr. William Wishart, parson of Restalrig, having procured from his Majesty when lately in this kingdom a gift of the preceptory of St. Anthonis beside Leith, the Earl of Dumfermeline, the Kirk-session and poor of Leith, Sir James Fouls of Colinton and Mr. John Hay of Easter Kennet, to whom the whole patrimony of the said benefice was lawfully disponed after it was suppressed by Act of Parliament, on getting notice that the said gift had passed the Privy Seal, summoned the said Mr. William before their Lordships to hear and see the said gift cancelled, as prejudicial to their rights. The King was thereupon informed of the matter and has been pleased by his letter to direct their Lordships to call the parties before them and, getting them to submit the business to their judgments, take such a fair course as that no harm shall ensue to parties interested through the said gift. Parties having been frequently heard, in the end, on 26th June last, the matter was called of new when there compared the said Mr. William Wishart and his procurator, Mr. James Baird, advocate; also Robert Hepburne, advocate, for the Earl of Dumfermeline; and Mr. Alexander Hay for the said Mr. John Hay, his father. The Laird of Colinton, and Sir James Hamilton of Riddall, compared personally. James Home, Mr. John Elphinstoun and Alexander Hay, indwellers in Leith, appeared for themselves and in behalf of the poor of Leith; and Margaret Dick, widow of Andrew Creich, and Katharine Creich, his daughter, appeared by Mr. John Cant, spouse of the said Katharine. The said Mr. William Wishart, to show that he did not purchase the said gift for his own private benefit but only for the use of the Kirk-session and poor of Leith, declared that he was content that the preceptory should be suppressed and his gift thereof cancelled so far as concerned the said Earl of Dumfermeline, the Laird of Colinton and other parties foresaid, but that as to the Session of Leith, he would not agree to the suppression thereof unless it were found that they were fully secured; and therefore he consented that if it should be found that the Kirk-session and the poor of Leith were already secured in the possession of what they presently enjoy of the said benefice by the advice of Sir Thomas Hope of Craighall, his Majesty's Advocate, Sir Luics Stewart, Mr. Thomas Nicolsone and Mr. Andrew Aytoun, advocates, he was content that his said gift should be totally cancelled. Their Lordships accordingly remitted the verification of this fact to these advocates, who had seen the evidents produced by the town of Leith, and
this day report was made thereof by the said Advocate. They had found
the said preceptory to be suppressed and extinguished by an infestment
granted by the late King James the Sixth proceeding upon the demission
and surrender of the deceased Alexander Hay, Clerk of Register, who
was lawfully provided thereto, and who had power to make such demis-
sion both of the lands and teinds, as they had been exempted from the
Act of Annexation made in 1587, with power to his Majesty to dispose
of them as he pleased, and that by the said infestment, which is dated
at Dalkeith, 28th March, 1591, and ratified in Parliament on 5th June,
1592, it is provided that no gift shall be granted of the said preceptory
to any person thereafter; and further that the Kirk-session and the poor
of Leith were sufficiently secured in their right to so much of the pre-
ceptory as was dedicated to their use, their rights flowing from the said
Mr. John Hay. The Lords accordingly find that the said preceptory has
been now for long and is for ever suppressed and extinct, and in accord-
ance with the foregoing agreement they declare the gift thereof granted
to the said Mr. William Wishart cancelled, and order it to be deleted
out of the register; and further that no gift of the said preceptory shall
hereafter be granted to any person until all parties are cited to object.
Moreover, William, Earl of Morton, Lord High Treasurer of this
kingdom; Thomas, Earl of Hadinton, Lord Privy Seal; Mr. Adam
Hepburne, keeper of the said seal, and Mr. Alexander Hay, writer to the
Privy Seal and keeper of the register thereof, comparing before the
Lords, and Mr. Adam Hepburne having produced the principal signature
and warrant of the said gift, and Mr. Alexander Hay having produced
the Register of Benefices in which the said gift to Mr. William Wishart
and his act of cautionry thereunto are inserted, and the said gift from
the Privy Seal being produced by the said Mr. William Wishart, the
said signature and the gift following thereupon under the Privy Seal were
by command of the said Lords judicially and in their presence cancelled
and destroyed, and the said register scored and expunged in that part
thereof wherein the said gift and act of caution were inserted.

"The quhilk day the Lord Torphichen promisist to deliver this night
his answers to the Clerk of Counsell to be givin up to his Majestie's
Advocat to be answered be him aganis the nixt Counsell day."

"The quhilk day Robert Alexander and
twa of the commissioners for the burrowes, produced ane report anent
the danger arising by casting of ballast in the river of Forth. The Lords
ordains the commissioners present to advise with the remanent burrowes
anent the remeiding of the abuse fosesaid and to report their opinion
upon Tuisday nixt."

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Sederunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll:
Kingsome; Wigtoun; Roxburgh; Galloway; Annerdaill; Lander-
daill; Southease: Dumfreis; Traquair; Bishop of Ros; Lord

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Warrant for relieving of Dumfries Papists.

The Lords of Secret Counsell gives and grants full power and commission be thir presents to Patrik, Archbishop of Glasgow, to relieve the papists prisoners in the town and tolbuith of Edinburgh for their wairds and to suffer thame to goe home upon suche conditions as the said archbishop sall be pleased to prescryve.

"Forsamekle as there hes beene sindrie declinators propounded of late aganis some of the Lords of his Majestis Secret Counsell in actions persewed before thame as being contingent in blood and within degrees defendant to the parteis, persewer or defender, whiche exceptioun, however it be ordinarie and receaveable in inferiour judicatoreis, ytt aucht not to be susteanned in the full extent thairof aganis the saids Lords, the Secret Counsell being a pryme and soverano judicatorie, and the Lords thairof for their honnour and integritie being intrusted be his Majestie with the governement and managin of the weightiest and most important effaires of the state; for regulatin and bounding of whiche declinatour in tyme comming and to the effect it may be knowne how farre and aganis whome it aucht to be extended, the Lords of Secret Counsell finds and declares, statuts and ordains that in tyme coming a declinatour or exception sall be onelie competent and susteanned against the saids Lords and everie ane of thame where they ar father sone and brother in blood or by law to the partie, persewer or defender, in whiche caise they sall not sitt nor judge in that actioun whereupon the declinatour is propounded; and that no declinatour sall be receave nor admitted aganis ane of the saids Lords being outwith these degrees foresaid except for partail counsell allanerlie."

"Aen the termes assigned to Harbert Moresoun, indweller in Dumfreis, to have exhibite Robert Moresone before the Lords of Privie Counsell this present day to have underlyne thair will and pleasure aenent his hearing of messe, compeired personallie the said Harbert and in obedience of the Counsells ordinance exhibite the said Robert, his brother, before thame, whome the saids Lords ordains to be committed to waird within the tolbuith of Edinburgh, therein to remaine till he be freed and releevd be the saids Lords."

[Sederunt as recorded above.]

Complaint by the provost and bailies of Edinburgh, as follows:—Their Lordships have recently given two sentences and decrees against them, one on 23rd July last at the instance of William, Earl of Erroll, Lord High Constable of this kingdom, finding that, in respect of the non-production of their rights, the complainers had done wrong in censuring one, Mr. John Keith, servitor to Mr. Thomas Nicolson, younger, advo-
cate, for the wounding of James Tenent, servitor to Sir James Nicolson of Colbrandispeith, after he had been censured by the said Lord Constable; and ordaining the complainers to desist and cease from all censuring of any matters of slaughter, blood or riot, within four miles of his Majesty's person, Parliament or Council, where the said Earl is present by himself and his deputes; the other on 15th February last at the instance of the said Mr. John Keith, finding that the complainers had done wrong in apprehending and warding him, thus contravening the said first decree. These decrees were pronounced for "null defence" and non-production of their writs, with this reservation in clear and express terms that their Lordships so decerned for aught they had not yet seen. The complainers are now ready for their Lordships' satisfaction to produce their rights showing that from time immemorial they have been in possession of all the points in controversy between the Constable and them, with this protestation that their Lordships will then be pleased to remit the trial of the validity thereof to the Lords of Session as judges competent, and that their production shall infer no acknowledgment against them that they submit the decision of their rights to any other judge than the Lords of Session, but only produce their rights for the respect and reverence they owe to their Lordships. They crave, therefore, that these two decrees be suspended. Charge having been given to the Earl of Erroll, Lord Constable, Mr. Archibald Haide, his depute, and the said Mr. John Keith; and Sir Alexander Clerke, provost, William Rid and Robert Fleeming, bailies, and Mr. Alexander Guthrie, town clerk of Edinburgh, compearing personally with Mr. Thomas Nicolson, elder, their procurator, and the Earl of Erroll and Mr. John Keith being also present with Mr. Robert Learmonth and Mr. Rodger Mowat, their procurators, the said Earl and Mr. John Keith produced the two decrees foresaid, and the town of Edinburgh for instructing their right "in judging and censuring of all matters of slaughter, blood or riot committed by any person or persons within the libertieis of their said burgh," produced a charter granted to them by King James the Third, ratified in Parliament in 1621, by which they are constituted heritable sheriffs within themselves, and another charter of the office of sheriffship within Leith with a gift of justiciary whereby they are made justices of peace within Edinburgh and Leith, both granted by his Majesty's late royal father. Thereupon Mr. Thomas Nicolson craved that seeing this question was one which depended upon the town's heritable rights and that it was the law and custom of this kingdom that all such matters should be decided by the Lords of Session, as also because his Majesty had by a letter to their Lordships (which was recorded in their books, and of which an extract was produced) indicated his royal will and pleasure that all actions which should be raised before their Lordships against the town of which the trial depended upon their infestments should be remitted to the decision of the Lords of Session,
their Lordships would now remit the matter to them. It was answered on behalf of the Constable that the matter now in question did not concern the heritable rights and infeftments of the town but only the extent and exercise of the privileges due to the office of Constabularie, which had been cleared by the reports made thereof to his Majesty by the commissioners appointed to that effect and of which the said Constable was in possession by virtue of the two decrees foresaid. Further, the said office is a prime office of the Crown, and so their Lordships are most proper judges as to the extent and privileges thereof. As for the said letter it cannot be respected, being a private letter purchased by the town against their vassals of Leith, and of which there is no mention made in their summons. To this it was replied for the town that the report referred to as made to his Majesty concerning the privileges of the office of Constabularie cannot be respected and cannot militate against them as they were never called in the matter; and though the said office of Constable be a prime office of the Crown, yet this action being grounded upon heritable rights is merely civil and so proper only to the Lords of Session. The Lords, after advising, remit the whole matter as it now stands to the Lords of Council and Session as the competent judges therein, intreating them to grant speedy justice to the parties and to proceed therein according to the direction of his Majesty’s letter written to the Council hereafter, of which the tenor follows:—“CHARLES R.—Right trustie and right weilbeloved cousin and counsellor, right trustie and right weilbeloved cousins and counsellors and trustie and weilbeloved counsellors, wee greete yow weele. Having considered of your letter and of the differences betuix our right trustie and right weilbeloved cousin and counsellor, the Erle of Erroll, our Heich Constable of that our kingdom, and the citie of Edinburgh, and of the suspensiuon raised by thame of the two decreits obteaned by the said Erle before yow, and finding that the question now doeth aryse whiche sbould be the convenient judicatorie before whom the caus sbould be decydit, whither before yow or before our Session, in regard of the nature of their right they pretend to have, wee have thought fitt heirby to require yow that (if yow sall find your selfes competent judges in this difference according to the lawes and customes of our said auncient kingdom) yow proceede thairin. Bot if yow sall find that it properlie belongeth to our Session, remitte it unto thame; bot with all that no dilatorie nor tedious formes of lawes be used; and that before whiche of yow this sall happen to be heard, wee command that yow deferr sentence untill yow acquaint us with the particulars of the proces. Wee bid yow faireweele. From our Manor at Greenwich, the fourteenth day of May, 1634.”

Obligation by James Spence, merchant burges in Edinburgh, not to molest

Anent the term assigned to James Spence, merchant burges of Edin- burgh, to appear before their Lordships and nominate auditors of the accounting between him and William Thonesone, merchant burges there, as also to find caution for his indemnity, both of these persons
appeared this day, and with mutual consent nominated John Fleeming, William Thompson, John Binning and James Barnes, merchants burgesses of Edinburgh, or any two of them, as auditors foresaid; and the said James Spence declared that he could not find caution for the indemnity of the said William, but offered to enact himself to this effect. The Lords accepted thereof, and the said James became bound under a penalty of 1000 merks that he would not molest the said William Thomesone, his wife, family, servants or goods, otherwise than by order of law.

Complaint by Griffon Wmkills of Barnam in the county of Northumberland, as follows:—In his process before their Lordships for recovery of his stolen oxen out of his room of Barnam, James Tenent in Blackhall was given up as having three of them in his possession, and he on being examined thereupon by John, Lord Torphichen, declared that he bought two oxen from one John Tagart which he sold to Henry Grinlay in Hathorneayke. These two oxen were inspected by John Wmkills, son of the said Griffon, who declared that one of them, a black ox, belonged to him and his father, but that the other, a brandit ox, did not. After comparison with the probation taken in England, it has been found that this black ox is one of those stolen from the said Griffon, and should therefore be restored to him or its value of £6 sterling be paid. Charge having been given to the said Henry Grinlay, and the pursuer compearing by Mr. John Paip, advocate, his procurator, the said Henry comppeared personally and promised to produce and make offer of the said ox to the pursuer or any one in his name at the West Port of Edinburgh on Thursday the 10th instant. And the Lords reserve to him his action of relief against the said James Tenent.

Sederunt—Chancellor; Privy Seal; Glasgow; Kingorne; Annerdaill; Bishop of Ros; Lord Naper; Advocate

This day John Tagart, nolt-driver, was exhibited before their Lordships by John, Earl of Annandail, and, being examined as to his purchase of the goods sold by him at Fakland fair about Allhallowmass last, declared ‘that ten days before the said feast of Alhalowmes, being in the dwelling hous of William Armestrang of Newlandhill and seeing eyght great oxin upon his ground he entered in bargane with the said Williame anent the pryce of the same, and they agreed upon the soume of fourtie shilling sterline for the pryce of ilke ox, upon condition alwayes that what more or lesse sould be gottin for the same, they sould be equalie sharers and entresed therein; and declares that Thomas Bell in Ker, within the debattable lands, had the charge and keeping of the said goods before the[yl] came in the possession of the said Williame Armestrang or that he sauld the same to the deponer.”

This day John, Earl of Annerdaill, acted himself in presence of their Lordships to exhibit the said John Tagart before them on the instant.
Charge against the said William Armstrong and Thomas Bell, as follows:—Eight oxen lately sold at the fair of Fakland having been claimed by Grifon Wmkills, Englishman, and the havers of these oxen having all declared that they bought the same from John Tagart, nolt-driver, who has this day declared (as above), for the further clearing thereof, the Lords ordain the said William Armstrong and Thomas Bell, now prisoner in the jail of Dumfries, to compear before them on July instant (the provost and bailies of Dumfreis to bring and exhibit the said Thomas) that they may be examined as to how and from whom they bought the said goods.

Sedereunt—Chancellor; Treasurer; Privy Seal; Glasgow; Erroll; Acts, June 1634; 1635—April 1636.

Kingorne; Roxburgh; Annerdaill; Dumfreis; Bishop of Ross; Bishop of Dumbazine; Lord Binning; Lord Melville; Master of Elphinstone; Secretary; Advocate; Sir James Baillie.

Act ordening that henceforth protection be granted only on special cases and on the condition that the annuallents of creditors be always paid.

"Forsamekle as diverse complaints having beene made to the Kings Majestie by sindrie of his subjects, speciallie by the free royll burrowes, of the great prejudice they susteanned by the frequent granting of protectiouns, his Majestie was graciously pleased by his letter writtin and directed to the Lords of his Privie Counsell to recommend to thame that no protections pas heerafter bot upon considerabell causes and upon speciall provisioun that the annuallents be payed. In humble obedience of the quhilk letter the saids Lords according to his Majestis most gracious and comfortable direction ordains that no protections pass heerafter bot upon considerabell causes and upon speciall provisioun that the annuallents be payed to the creditours; and ordains thir presents to be insert and registrat in the booke of Privie Counsell and to have the strent of ane act of Counsell in tyme comming. Followes his Majestis missive for warrand of the act abonewrittin:—Charles R.—Right trustie and right weilbelovit cousine and counsellor, right trusty and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellors, we gret yow weill. Whereas diverse complaints have beene made unto us by sindrie of our subjects, speciallie by our royll freeburghes, of the great prejudice they susteane by the too frequent granting of protections, passing over the Acts of Parliament touching that purpose, we have thought fitt to recommend unto yow that nae pas heerafter bot upon verie just and considerable causes with speciall provisioun that the annuallents be payed to the creditours, and that yow caus the acts made tuischeing the same to be keeped, that no occasion of greevance be givin to our good subjects by breache thairof. Whiche recommending to your speciall care, we bid yow farewell. Frome our mannour of Greenewiche, 14 May, 1634."

Commission to John, Lord Lindsay,

"The whilk day in presence of the Lords of Secret Counsell compeired personallie John, Lord Lyndsey, baillie of the regaltie of St.
Andrewes, and reported to the saids Lords that in obedience and conforme to one commissioune direct to him be the saids Lords for apprehending of Hercules Guthrie in , and Guthrie, his sone, and exhibiting his thame before the saids Lords to the effect they might be delivereid to his Majesteis Justice to underly the law for the cruell murder of one young infant procratin in fornication betuix Guthrie, daughter to the said Hercules, and Kempe in , he made searche and inquyerie for the saids Hercules Guthrie and his said sone and had accordingleie tane and apprehended the said Hercules, whom he hes committed to waerd within the tolbuith of St. Andrewes, where he presentlie remains, and that his said sone was fled and removed furth of the crountrie. Whiche report being heard and considerit be the saids Lords, they allowed of the said Lord Lyndsey his diligence and carriage in the said busines; and seing the said cruell and barbarous fact was committed be the saids persons dwelling within the regalitie of St. Andrewes, whairof the saide noble lord is heretablie baillie, thairfowr the saids Lords hes recommendit to the said Lord Lyndsey to proceed be hiselphe or his deputis in the tryell and sentencing of the said Hercules for the murther foresaid according to the lawes of the kingdome and merite of the fact, and to caus summons the said Guthrie to compeir before him and his deputis to underly the law for the said cryme, and in caise of his compeirance to proceed accordingleie againis him and if he be absent and compeir not, to declare him fugitive according to the custom and order of court observed in the like caiises."

"The whilk day, in presence of the Lords of Secret Counsell, compeirde personallie Doctour Alexander Ros, commissioner for the diocie of Aberdein, and made report to the saids Lords of the insolencieis of the papists in the North. Qubahilk report being heard and considerit be thame, they ordaine letters of captioun to be direct againis suche of the saids papists as ar excommunicat rebellis, and ordains suche as actit thameselfis to remove furth of the crountrie and hes not removed to be charged to compeir before the saids Lords to heare and see thame decerned to have incurred the penaltieis contenant in the saids acta. And, tuicheing suche as by licence frane his Majestie hes returned within the kingdome, the saids Lords gives power, warrand and commissioune to Patrik, Bishop of Aberdein, to call and convene the saids persons befor him and to caus thame exhibite thair licencees and to take tryell of thair behaviour and cariage and of thair contraveneing the conditions of the saids licencees. And the saids Lords ordains the said bishop and the magistrats of the burgh of Aberdein to take tryell and examination of the disrespective behaviour and rayling words uttered be Andersone, indweller in Aberdein, againis the ministrie, and in caise of her refusall to compeir before thame, or probation of the fault, with power to thame to committ her to waerd and to punishe her according to the merite of her offence."
"The whilk day Sir Thomas Hope of Craighall, knight baronet, com-
peirand personallie before the Lords of Privie Counsell produced before
the saids Lords his duply to the Lord Torphichin his reply anent his
ercation; quhereunto the Lords ordains the Lord Torphichin who was
personallie present to answere this day auucht dayea."

[Sederunt as recorded above.]

Complaint by Mr David Falconer of Glenferquhar, advocate, as follows:
—At his instance, on 23rd June last, Sir John Blacader of Tullialane
was put to the horn for not paying to him £2205 of principal and
£400 of expenses; but he takes no heed of the said horning, and goes
about, enjoying his rents and living as if he were an obedient subject.
The pursuer appearing by Sir Alexander Falconer, his brother, but the defend east to,
the Lords ordain the latter to be charged for the rendering of his house and fortalice of Tullialane and to enter himself in ward within the Castle of Blackness, within six days after being
charged thereto.

Supplication by Robert Keith in Garveill, as follows:—On the 4th
instant, when he was peaceably walking upon the His Street of Edin-
burgh, some of the town officers, at the direction of the provost and
bailies and upon the information of William Dick and William Gray,
merchants burgesses of Edinburgh, apprehended him and have imprisoned
him within their tolboth, though he is his Majesty's free liege, and has
committed no offence, nor have they any lawful warrant for their action.
Charge having been given to the said William Dick and William Gray
and to William Rid, one of the bailies of the said burgh, to exhibit the
complainer; and he being presented by Andrew Quhyt, keeper of the
tolboth, and the said William Dick complaining, but not William Gray,
the Lords, after hearing parties, find that the pursuer was unlawfully
apprehended and warded, and they ordain the provost and bailies of
Edinburgh to liberate him, in so far as he is in ward for the above
cause, since the pursuer has acted himself in 1000 merks that he will
not molest the defenders nor any pertaining to them.

"A letter from his Majestie tuicheing the presenting of plaiding to Sederunts,
in all tyme heerafter in opin folds exposing it to the full view of the buyer, quhereanent ordains Kenmay, Pitmedden and Pittodrie to be
warned to Tuisday nixt."

"A missive anent the fishing of pearle and discharging all former
gifts thairof, quhereanent ordains Robert Buchane to be warned."

"Anent the price to be tane betuix the boll of beir and the boll
of malt, quhereanent ordains the bailleis of Mussilburgh and Dalkeith to
heard."
"Anent the Correctionn houses ordains the justices of peace to houses of correction.
landward and magistrates within burgh to convenes and seet down overtours thereanent and to report in November."

"An act and proclamation dischargeing all bleitching with lyme Bleaching with
under the pane of punishing the contraveenners thairof in their persons
and goods at the discretion of the Counsell."

Sederunt—Chancellor; Treasurer; Privy Seal; Marquis of Hamilton; Edin winton; Roxburg; Launderdaill; Dumfreis; Southesk; Tracquair; Clerk Register; Advocate.

"The whilk day, in presence of the Lords of Secret Counsell, compeird
personallie John, Earl of Traquair, deputie thesaurar, and produced
and exhibite before the saied Lords ane contract past betuix the King
his most sacred and excellent Majestie and the right noble lord James,
Marquis of Hamilton, by the whiclie his Majestie with advice of the
Lords of his Privie Counsell and Exchequer for and in satisfactioun of the
causes therein conteanit hes dispouned and assigned to the said Marquis
of Hamilton the taxation of twa of ten ordinarie and extraordinarie and
concealements thairof grantit to his Majestie be his Eetas in the Parlia
tment haldin at Edinburgh in the moneth of Junij, 1633; whiche being
read in the presence and hearing of the saied Lords they allowed thairof,
and accordingie past and subservyed the same, and therewithall ordained
the said contract to be insert and registra in the books of Privie Coun
sell according to the direcution of the said contract. Of the whilk
contract the tennour followes:—CHARLES R.—At Wanstead, within the
kingdome of England, and at Edinburgh, within the kingdome of
Scotland, the threttie and twelwe dayes of Junij and July the yeere
of God j

threttie foure yeres, It is appointed, agreed and finallie
contracted betuix the Kings most excellent Majestie, with advice and
consent of his Hienes right traitst cousins and counsellers, William, Erle
of Morton, Lord Dalkeith and Aberdour, etc., High Thesaurar, comptroller,
collector generall and thesaurar of his Majesteis new augmentations
within this his Hienes kingdome of Scotland, and John, Erle of
Traquair, Lord Linton and Cabertoun, etc., depute be his Majestie
in the said office, and of the remanent lords of his Majesteis Counsell and
Exchequer within the said kingdome of Scotland, on the ane part, and
his Majesteis right traitst cousine and counsellor, James, Marques of
Hamilton, Erle of Arran, and Cambridge, Lord Aven and Innerdaill, on
the other part, in maner, forme and effect as after followes, that is to say:—Forsamekle as his Majestie be his Hienes gifts, letters and patents
under his Hienes great seale, with consent of his Majesteis saids thesaurars, comptroller, collector principall and depute, and with consent of
the Lords of his Majesteis Exchequer foresaid, gave and granted to the
said James, Marques of Hamilton, his airis and assigneyes, all and haill

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the customes and imposts of wynes for the space of sixteene yeerees after the first day of August jvjth threttie ane yeerees, as in the said gift of the dait at Whitehall, the twenteiy fyft day of Februar, jvjth threttie ane yeerees aforesaid, at mair lenthe is conteanit; as lykewyse his Majestie be another gift and letters patrent under his Hiene's great scale, with consent of the saids thensaurers, comptroller principall and depute, and Lords of Exchecker, ratifieth and approveth the said former gift of the dait, tennor and contents aforesaid, and als of new gave, grantit and dispouned to the said Marquis and his foresaid all and haille the saids customes and imposts of wynes, als weill old as new, perteaneing and dew to his Majestie at anie tympe preceeding the dait of the said gift, and als all and haille these new imposts of wyne ordained to be uplifted frome the merchants of whatsoever wynes imported within this kongdom or exported out of the same and dew to be payed be the booke of raitis, and that for the space of sixtene yeerees nixt after his entrie thereto, quhillk is appointed to have beene and begun upon the first day of August, 1631 yeerees foresaid; and siclyke made and constitute the said Marquis and his foresaids undoubted assigneys in and to the contract and appointment made betuix his Majesteis right traist cousine and counsellor, John, Erle of Mar, Lord Arekaine and Garioch, etc., his Majesteis thesaurar, comptroller and collector generall for the tympe, with advice and consent of the Lords of his Majesteis Exchecker, on the ane part, and William Dick, merchant burges of Edinburgh, on the other part, whereby the saids imposts of wynes ar sett to the said William Dick for the space of fyve yeerees after his entrie, quhillk wes upon the first day of November, 1629 yeerees, for the yeerelie payment of ane hundred and twelffe thousand merkees Scottish money, and that in so farre as the same might be extendit to the terme of Lambmes, 1631 yeerees, and of all yeerees and termes to runne of the said tachc; lykeas his Majestie promeist to ratifie the said gift in the nixt parliament and to dissolve the said imposts of wynes frome his Majesteis crowne for the said space of sixtene yeerees to the effect the said James, Marquis of Hamiltoun, may bruke the samyne during the said space, as in the said gift of the dait at Whitehall the 16 day of Marche, 1631 yeerees foresaid, lykewayse at mair lenthe is conteanit: Lykeas conforme thereto our said Soverane lord, with consent of the Estates of Parliament, be their act of the dait at Edinburgh the 28 day of Junij, 1633 yeerees, did not onelie ratifie and approve the foresaid twa gifte, letters and patrents of the daitte, tennors and contents respective abonespecefeit, bot also be the foresaid act tryed and fand the reasons and causes of the granting of the saids gifte to the said James, Marquis of Hamilton, to have beene and to be just, seene and reasonable causes tending to his Majesteis honnour and publick good of the kingdome; and thairfoir his Majestie and Estates foresaid dissolue the saids imposts and customes of wynes, old and new, conteanit in the saids twa gifte and either of thame fra his Majesteis crowne and frome all acts of annexation.
whereby the saids customs and imposts of wyne old and new and others contentain in the saids gifts wer annexed to the crowne be his Majestie or anie of his Hienes predecessors, to the effect the said Marqueis and his foresaids may peaceable bruike and injoy the same for the said space of sxtene yeeres contentain in the saids twa gifts and according to the tennor thairof in all points, and als to the effect his Majestie might of new give and dispone to the said Marqueis of Hamilton and his foresaids the saids customs and imposts of wyne, old and new, and others mentiouned in the saids gifts, libertes and priviledges for uplifting thairof for the said space of sxtene yeeres, quhilks wes and began at the said feast of Lambmes in anno 1631 yeeres, as in the said act of Parliament of the dait foresaid at mair lenths is contentain. And lykewyse after the said act of dissolution, and conforme thereto, our said Soverane lord, with advice and consent of the saids thesaurars principall and depute, and of the remenant Lords commissary of his Majesteis Exchequers foresaid, be his Hienes gift and letters patent under his Hienes great seale of new gave, grantit and dispouned to the said Marqueis and his foresaids all and haill the saids imposts of wyne, old and new, dew to his Majestie in anie tyme bygane preceeding the dait of the said last gift and letters patent, quhilks ar of the dait the day of July last bypeast, and als all and haill the saids new customs and imposts of wyne ordaind to be upliftit frome merchants of quhatsomewer wyne imported within this kingdome or exported furth of the same, according as the saemn imposts of wyne ar setd doon and appointed to be payed in the booke of raits, and that for the said haill space of sxtene yeeres after the said Marqueis his entrie thereto, quhilk wes and began at the said feast of Lambmes, 1631 yeeres, as in the said last gift and letters patent conteane diverse and sindrie others clauses, conditionis, libertes and priviledges conceane in favor of the said Marqueis and his foresaids lykewyse at mair lenths is contentain. And farsamekele as his Majestie is resolved to freith the saids customs and imposts of wyne, old and new, quhilks wer his Majesteis annexed propertie, frome the burdeins of the foresaids gifts and rights made and grantit thairof in favor of the said Marques and his foresaids in forme and manner abone rehearsed, and in recompence thairof hes transactit and agreed with the said Marques for denuding himselfe thairof in favor of his Majestie and his Hienes successours for the sowme of fourtie thousands pundis sterline to be payed to the said Marqueis, with reservatioun alwayes of the tack abone spacefeit sett be the said Erle of Mar, etc., with consent abonewrittin, to the said William Dieck, and of the dispositioun and tach underwrittin sett be the said Marqueis to the said Williame Dieck, in maner and forme after rehearsed. Thairfor the said Marqueis hes renunce, quyteleam, surrendred, simpliciter discharged and overgivin, lykeas he be the tennor heirof renuncest, quyteleames, surrenders, simpliciter discharges and overgives fra him, his aires and assigneyes, the foresaids haill customes and
imposts of wynes, old and new, and the hail forenamed gifts and others rights abonementiouned made to him thairof, with all benefite and com-
moditie competent or that may be competent to him thereby during the hail yeere, tymes, termes and space therein mentiouned as yitt to rin after the expyring of the tacks after spacefeit, with all right, title, interesse, clame of right, propertie or possessioun quhilks he or his foresaid had, hes or may pretend, clame or have thereto to and in faves of his Majestie and his Hienes successors in all tyme coming for ever, exceptand and reservand always furth and fra this foresaid surrender and renunciationioun the hail bygane yeeres since the dait of the saids gifts conteanit in the foresaid tacks sett be the said Erle of Mar, etc., with consent foresaid to the said William Dick, in respect the said Marqueis hes made right and givin discharges thairof to the said William Dick; and als exceptand ane dispositions made be the said Marqueis to and in faves of the said William Dick, his airis, executionis and assigneys, of all and hail the saids customs and imposts of all and quhatsomever wyns that could be importad within this kingdome or transported furth thairof for all the space, yeeres and termes of three yeeres and ane halfe yeere nixt and immediatlie following the first day of November nixtocone in this instant yeere of God, 1634 yeere, with the exceptions and reservations conteanit in the saids letters of disposition, togidder with the assignation therein conteanit be made be the said Marqueis to the said William Dick and his foresaid in and to the foresaid letters of gift, ratification and novodamus grantit and givin be his Majestie to the said Marqueis of the saids customs and imposts, hail heids, conditionis, articles and clauses conteanit in the said gift, strength, force and effect of the same during the said space, yeeres and termes of three yeeres and ane halfe yeere nixt and immediatlie following the said first day of November nixtocone in this instant yeere of God abonewrittin. Quhilk discharge, disposition and assignation foresaid, conteaning diverse and sundrie others heads and clauses conceavd in favors of the said William Dick and his foresaid subscryved be the said Marqueis and his cautioners therein nominat, is of the dait the 17, 19, 20, 24, 26 and 30 dayes of May, 7, 9, 10 and 16 dayes of Junij, 1631 yeeres foresaid. To the quhilk discharge, disposition and assignation foresaid nor no heid, terms nor conditionioun therein conteanit, this present surrender and renunciationioun sall no wayes be extendit, but it is declared that this present surrender is made with the berdein of the said dispositionioun and tacks sett be the said Marqueis to the said William Dick for the said space of three yeeres and ane halfe yeere after the said first day of November nixtocone, and with this expressioun conditionioun that the said Marqueis, his airis and successors sall be free and exonered of all performance and fulfilling thairof to the said William Dick, and that his Majestie and his Hienes successors for releef of the said Marqueis and his foresaids sall observe, keepe and fulfill the same to the
said William Dick and his foresaid. And siclyke foresamekle as the saids thesaurars principall and depute ar adebeted and awand to the said William Dick in the principall soume of twa hundreth and fiftie thowsaund merkes money of this realme of Scotland, borrowed and receaved be thame at his Majesties speciall command and directioun for defraying of his Hienes honorable effaires, with the annuelrent and profite of the said soume fra the terme of Witsunday, 1633 yeeres, to the terme of Witsunday last bypass in this instant yeere of God abonewritten, extending the same yeeres annuelrent to the soume of twentie fyve thowsaund merkes money foresaid, conforme to ane band and obligatioun made and grantit be the saids thesaurars principall and depute as principalls, George, Erle of Kinnoul, Chancellor of this realme, the Erles of Murrey, Buchane, Kingorne, Southesk, Quenisberrie, Lord Lorne, Lord Dalkeith, Maister of Dupline, Sir George Fletcher and James Douglas, thair cautioners, to the said William Dick thereupon, of the dait the 8, 12 and 24 dayes of Junij and July 1633 yeeres; and siclyke the saids thesaurars, principall and depute, ar adebeted and awand to James Arnott, merchant, in the soume of fyftene thowsaund sax hundreth three score sevin merkes, Scottish money foresaid, lykewayes borrowed fra him be thame at command and directioun and to the effect abonespeccefeit, with the soume of ane thowsaund fyve hundreth threescore sax merkes money foresaid as for the annuelrent of the said last principall soume fra the said terme of Witsunday, 1633 yeeres, to the said terme of Witsunday last bypass, 1634 yeeres, conforme to another band made be the saids thesaurars to the said James Arnott thereupon of the dait the nynt day of September, 1633 yeeres foresaid; quhilks soumes of money abonewritten borrowed, as said is, principall and annuelrents, with the interest of the said annuelrent fra Martimes last bypass to the said terme of Witsunday also last bypass, extends in the hail to the soume of twa hundreth fourscore twelffe thowsaund aucht hundreth fiftie sax merkes Scottish money foresaid: And lykewayes foresamekle as the saids thesaurars principall and depute gave precept and warrand for ansuering and making payment to the said William Dick of the soume of sevin thowsaund ane hundreth fourtie twa merkes Scottish money foresaid, also borrowed by thame fra the said William Dick at his Majesties command and directioun and to the effect foresaid, extending the foresaid soumes of money principall, annuelrent and interesse with the other soume foresaid conteanit in the said precept, in the hail to the soume of three hundreth thowsaund merkes money foresaid, and that the said James, Marqueis of Hamilton, at his Majesties speciall directioun hes reallie and with effect made payment to the said William Dick for himselfe and in name of the said James Arnott of the foresaid hail soume of three hundreth thowsaund merkes money foresaid awand to thame in forme and maner abonespeccefeit, and upon the payment thairof hes reported backe frome the said William Dick the twa
bands respective abonespecifit unregistrat and the precept foresaid with the said William Dick his discharge for himselfe and takand the burdeine on him for the said James Arnot on the backes thairof of the hail soume of money abonespecifie extending as said is, for exoneratious of his Hienes says thessaurars principall and depute of the same soumes and obligement therein conteanit; lykeas also the said Marqueis at his Majestis speciall directioun hes takin upon him the payment to the said Erle of Mortoun of aene yeerelie pension of fiftie twa thowsand merkes Scottish money foresaid grantit to him be his Majestie yeerelie during all the days of his lyfetyme, of the dait the threttene day of Januar, 1632 yeeres, and that during the space following, viz., the terme of Witsunday nixtocome in anno 1635 yeere, and yeerelie and termelie thereafter ay and whill the ische and expyring of aene tack and assedatioun sett be his Majestie to the said William Dick during his lyfetyme, and after his deceasse to M' John Dick, his sone, his airis and assigneyes, of the erledome of Orkney and lordship of Zetland and others therein speciefeit, for the space of aught yeeress therein mentiouned, for payment of the yeerelie diewtie therein conteanit, of the qubilk dawk diewtie during the haill space of the said tack there is assignatioun made be his Majestie to certane persons conteanit in the said tack, qubilk tack is of the date the thrid day of November, 1629 yeeres, during the qubilks yeeress of the said William and M' John Dick thair tackes foresaidys yitt to rin the said Erle of Mortoun is debarred be the samie tack of his reall securitie of the said erledome of Orkney and lordship of Zetland foresaid, assigned and dispouned unto him in payment and satisfaction of his said pension; lykeas also the said Marqueis hes obleisit himselfe and be thir presents obleisissis himselfe and his airis to make payment to the said Erle of Mortoun of the foresaid soume and pensioun of fiftie twa thowsand merkes Scottish money foresaid yeerelie at twa termes in the yeere, Witsunday and Martimes, be equall portiouns, beginnand the first terme payment thairof at the said feast and terme of Martimes nixt to come in the said yeere of God 1635 yeeres, and so furth yeerelie and termelie thereafter during the haill yeeres and termes to rin of the foresaid tack sett be his Majestie to the said William Dick and his said sone in maner foresaid, and that furth of the taxatiouns assigned be his Majestie to the said Marqueis for his awne payment and for payment of the said pensioun to the said Erle of Morton during the space foresaid; and incase the said Erle of Morton sall happen to acquire and obteane possesioun of the rents of the said erledome of Orkney and lordship of Zetland for payment of the said pensioun or receave otherways satisfaction from his Majestie thairfoir at anie tymbe before the ische and expyring of the said tack sett to the said William Dick and his said sone than and in ather of the saids caisit the said Marqueis to be fred and exoneret of the foresaid obligement made be him for payment of the said pensioun to the said Erle of Mortoun in all tymbe thereafter during the
yeeres and termes therein to rin of the said William and Mr John Dick their tacks foresaid, he alyways making payment to the said Erle of suche byganes of the said pensioun as he sall happen than to be restand awand after the said terme of Witsunday nixtocom to the tyme of the acquyring of the said Erle his possession of the saids rents of Orkney and Zetland for payment of his said pensioun or satisfactioun otherways therefore in forme and maner abonewrrittin; and siclyke the said Marques, be his Hienes said direction and warrand, hes takin the payment upon him to Sir James Galloway, Maister of the Scottish Requeists, of the soume of fyve hundred pund sterline promitted to him to be his Majestie: For the whilks causes his Majestie being graciously pleased that the said James, Marques of Hamilton, be dewlie satisfied and payed of the said soume of fourtie thousand pund sterline money foresaid for his said surrender and renunciation of his saids gifts and rights of the saids imposts of wyne and als reypayed of the said soume of three hundreth thousand merkes Scottish money foresaid payed be him to the said William Dick in maner and for the caus abonerehearsed and of the annuallent and profite of the said soume of three hundreth thousand merkes Scottish money foresaid presentlie payed and advanced to the said William Dick in maner and for the caus foresaid, as said is, according to the acts of parliament, beginnand the first terme of payment of the same annuallent at the feast and terme of Martimes nixto come in this instant yeere of God 1634 yeeres, as for the annuallent of the said soume of three hundreth thousand merkes fra the terme of Witsunday last bypast to the same terme of Martimes nixto come, and sua furth yeerelie and termelie thereafter ay and whill the said Marques be compleitlie payed and satisfied of the said soume of three hundreth thousand merkes Scottish money foresaid; and lykewayes that the said Marques be reallie payed and satisfied of the said soume of fiftie twa thousand merkes Scottish money foresaid, quhilk he is obileist to pay to the said Erle of Morton for his said pensioun during the space abone rehearsed, and of the said soume of fyve hundreth pund sterline money foresaid quhilk the said Marques is obileist to pay to the said Sir James Galloway in maner foresaid; and his Majestie not having money in coffer for payment and satisfactioun to the said Marques of the foresaid soumes, and considering that his Majestie by his commissioun under his Hienes great seale of the dait at Grenewich the last day of July, 1633 yeeres foresaid, hes made, constitute and ordain the said Marques collector generall of the grant of twa of ten and taxatiouns ordinair and extraordinair grantit to his Majestie in the moneth of Junij, the said yeere of God 1633 yeeres, and of the hail concealements of the said grant of twa of ten and of the taxatiouns ordinair and extraordinair foresaid during the hail yeeres and termes of the said grant of the taxatiouns foresaid, as the said commissioun of the dait foresaid at mair lenth beiris, thairfoir his Majestie, with advice and consent foresaid, hes assigned and
dispounded and be the tennon heirof his Hienes assignes and dispons to Acts, June
and in favours of the said Marques, his aires, executouris and assigneyes, 1634-
all and haill the first and readiest of the soumes of money arising and
belonging to his Majestie be the said grant of twa of ten and of the
taxatiouns ordinair and extraordinair respective foresaidts, togidder with
the haill moneyes dew to his Majestie be the said grant of twa of ten
and of the saids taxatiouns ordinair and extraordinair grantit to his
Majestie in the said moneth of Junij, 1633 yeeres, and all annuelrents
concealed or to be concealed furth of the same taxatiouns and grant of
twa of ten foresaid, and that as weill of all yeeres and termes bygane as
yeerelie and termelie thereafter during the haill yeeres and termes of the
said grant of twa of ten and of the taxatiouns respective foresaidts, ay and
whill the said Marques be compleitlie payed and satisfying of the said
soume of fourtie thowsand pounds sterline money foresaid of the first and
readiest of the said grant of twa of ten and of the taxatiouns respective
foresaidts, and that in satisfactiou of his said surrender and renunciation foresaid of his said right of the saids [sic] impost of wyne, and als ay and
whill the said Marques be payed and satisfying of the said soume of three
hundreth thowsand merkes Scottish money foresaid payed be him to the
said William Dick in maner, forme and for the causes abonespecbeit, and
of the annuelrent and profite of the samine soume of three hundreth
thowsand merkes money foresaid, fra the said terme of Witsunday
last bypass to the said terme of Martimes nixtocum and yeerelie and
termelie thereafter ay and qhill the repayment to him and his foresaidts of the samine soumes, and lykewayes of the said soume of fiftie
twa thowsand merkes Scottish money foresaid oblisit to be payed be
him to the said Erle of Mortoun for his said pensioun yeerelie during
the space abone rehearsed, and of the said soume of fyve hundreth pounds
sterline for qhillik he is bound to the said Sir James Galloway in maner
abonespecbeit. And it is expresselie declared that the annuelrent dew
to the said Marques for the said soume of three hundreth thowsand
merkes money foresaid payed be him to the said William Dick in forme,
maner and for the caus foresaid sall rin continuallie for the haill yeeres
and termes after the daig heirof whill the said soume of fourtie thowsand
punds sterline money foresaid be compleitlie payed, togidder with
the said soume qhillik the said Marques hes undertakin to pay to the
said Sir James Galloway, togidder with the said pensioun dew to the said
Erle of Morton to be payed yeerelie and termelie respective; qhilliks
being payed and the said soume of three hundreth thowsand merkes
Scottish money being also payed be the said grant of twa of ten and taxa
tions foresaidts, that than and no sooner the said annuelrent sall ceasse; with
this provisioni alwayes that as the said Marques sall happen to be payed
of anie part of the said soume of three hundreth thowsand merkes Scottish
money foresaid lesse or mair that the annuelrent of the same soume of
three hundreth thowsand merkes Scottish money foresaid sall decrease
proportionallie; with power to the said Marques to deteane in his awne hands whatsoever soumes of money arising or that sall happen to arise to his Majestie of the said grant of twa of ten and that als weill of all the yeere the thairof bygane as to come, togidder with the haill moneyes alreadie receaved or to be receaved be the said Marques and his factors be way of composition frome anie of the burrowes of this kingdome or members of the Colledge of Justice or anie others persons whatsoever; and als with power to the said Marques and his foresaid to uplift, ingadder, retseane and apply to his owne use the haill soumes of money of the saids taxations ordinar and extraordinar with the haill benefite of the same and haill concealements thairof and of the said grant of twa of ten foresaid. Provyingly always, lykeas it is heirby expresselie provydit and declared, that the said Marques after the expyryng of the yeere of the said taxatioun, or sooner as it sall please his Majestie to command, sall be obleist to make compt to suche commissioners as his Majestie sall be pleased to nominat and appoint for that effect of suche soumes of money of the said grant of twa of ten and of the taxations foresaid and concealements thairof as sall be intrometted with be him to the effect it may be knoune if there be anie superplus restand in his hands mair nor payes and compleits himselfe of the haill soumes of money and annuel rents thairof addebed to him and undertakin be him in forme and maner abonerehearsed, to the effect he may make payment of the said superplus to his Majestie and others having power of his Hienes to receave the same. And incase it sall be found after just compt and reckoning that the said Marques is not fullie satisfied and compleitlie payed be his intromissioun of the haill soumes of money principall and annuel rents respective abonerehearsed than and in that caise his Majestie with consent abonewrittin to be bound and obleist, lykeas his Hienes be thir presents with consent foresaid obleisais him and his succesors foresaid to make payment of the samne to the said Marques and his foresaid in forme and maner abonespecefeit so farre thairof as sall be found trewlie restand awand unto him after just compt and reckoning, as said is, togidder with the annuelrent thairof of the first terme of Witsonday or Martimes after the making and fittung of the saids comtis, and yeerelie and termelie thereafter, ay and quhill he be compleitlie payed of the samne soumes so to be found restand to him, as said is. And forsamekle as the said Marques hes employed his honorable and loving freinds after specefeit to be cautioners for him for uplifting of the saids soumes presentlie payed to the said William Dick, and for other great soumes borrowed be the said Marques for advancing of his Majestis service, thairfoir the said Marques, incase of his awne deceasse before the said twa of ten and haill taxations foresaid ordinar and extraordinar and concealements thairof be uplifted and ingadderit, be thir presents makes and constitute the persons following, viz., David, Erle of Southeeske, and John Hamlton of Orbeston his verie lawfull and undoubted cessioners and assigneyes in and to his
lordships part of this present contract and in and to the saids twa of ten and haill taxations ordinair and extraordinair and concealements thairof so farre as all rest unuplifted the tyme of his deceasse to the effect they may uplift the samne and imploy the haill moneys thairof for releasfe of thamesselffes and suche others freinds to the said Marquies who stands bound for the said Marquies to his creditours; lykeas his Majestie, incaisse it all happen the said Marques to deceasse before the full uplifting of the saids twa of ten and taxatioun ordinair and extraordinair and concealements thairof foresaid, now as then and then as now makes and constitutes the saids David, Erle of Soutseek, and Johne Hamilton of Orbestoun collectors of the saids twa of ten and taxations ordinair and extraordinair and concealements thairof in als ample forme as is conteinanit in the foresaid commissioun of collectorie grantit be his said Majestie to the said Marques, quhilkis ar beere repeated to the effect they may ingadder and uplift the same to the use foresaid. And for the mair securitie his Majestie, with consent foresaid, and als the said Marquies, partieis contracters abonenamit, ar content and consents thir presents be insert and registrat in the bookes of Counsell and Sessionoun, Secret Counsell or Exchequer to have the streth of ather of thair decrets within this kynedome of Scotland, with letters and executoriailis of horning and others requisite in forme as effeiris to pas heirupon; and for that effect they make and constitute Sir Thomas Hope of Craighall, knight baronnet, his Majestieis Advocat, and Sir Lewes Stewart, advact, thair procuratours conjunctie and severallie, promitten. de rata. In witnes of the quhilk thing his Majestie hes superscryved thir presents, as lykewyse the said Marques and remanent persons consenters foresaid in tokin of thair consent have subscryved with thair hands thir presents, wrtitin be Mr Johne Drummond, servitour to Johne Mudie, Writer to his Majestieis Signet in Edinburg, dayes, moneth, places and yeeres of God respective abonenwritit. Sic subscribitur, J. Hamilton; Geo. Cancell.; Morton, Th'; Hadinton; Winton; Roxburgh; Lauderdale; Dumfreis; Traquar; Jo. Rossen.; Arch. Acheson; J. Hay; S. Thomas Hop; S. A. Strachan. Followes the docket of the said con-
tract:—Please your sacred Majestie, This contract is drawin up by your Majestieis speciall warrand betuix your Majestie with consent of your Majestieis officers, Counsell and Exchequer, on the one part, and your Majestieis cousign, James, Marquies of Hamilton, on the other part, whereby the said Marquies renunces his right to the impost of wynes for saxtene yeeres gifted to him of before with exceptionn to William Dick of the said impost for three yeeres and ane halfe after the first of November nixtocom, for the quhilk your Majestie is to pay to the Marquies fourtie thowsand pundes sterline; and sielyke the said Marquies hes payed to William Dick at this terme of Witsunday last bypast the soume of three hundredth thowsand merkes for releseff of the like soume wherein your Majestieis thesaurars principall and depute war
obliged to the said William Dick for your Majesteis effaires; as alsua the said Marqueis hes takin on him to make payment to the Erle of Morton of his yeerleis pension of fiftie twa thousand merkes for so manie yeeress as he is or sall be debarred frome the rents of Orkeyn and Zetland by the tack sett be your Majestie to Williame Dick and his sone; as als he hes undertane the payment of ferve hundred pundis sterline promised by your Majestie to Sir James Galloway: In satisfaction of the quhilks haill somese and of the annuall rent of the saids three hundredth thousand merkes your Majestie dispons to the said Marqueis all and whatsonvever somes of money arising to your Majestie by the grant of twa of ten or be the taxatiouns ordinar and extraordinar grantit to your Majestie latele with the haill concealemants thereof, and that als weill of all termes bygane as to come, ay and quhill the said Marqueis be compleitlie satisfied of the premisses. And the said Marqueis is obleist to make compt to suche commissiners as your Majestie sall appoint of his intromission, and if there be anie superplus to pay the samine; and if after compt it sall be found that the said Marqueis is not fullie payed, in that caise your Majestie is bound to make payment of the rest, if anie be, to the said Marqueis with the profite thairof; and the said Marqueis, in caise of his decease before the uplifting of anie of the saids haill somese assigned to him, as said is, hes named David, Erle of Southeek, and Johne Hamilton of Orbestoun his assignees, with power to thame to uplift the samine and to apply the samine to the payment of his just debts; lykewise your Majestie in caise of the said Marqueis his deceasse makes thame collectors of the saids haill taxatiouns and concealemants in ample forme as is conteanit in the commissioun grantit to the said Marqueis. *sic subscribitur,* S. Thomas Hop. Followes the consent of registratioun: Apud Edinburgh, 12 July, 1634, I, Sir Thomas Hop, Advocat to his sacred Majestie, as procurator for his Majestie and the Lords of Counsell and Exchequer within subscriving, consents to the registratioun of this withinwrittin contract in the bookes of Secreet Counsell, Exchecker, and Sessionioun. Sir Lewes Stewart, procurator for the Marques, consents. And the saids Lords ordains the principal contract to be givin up to the Clerk of Register to be keeped be him and to the effect he might caus register the same in the bookes of Counsell and Exchecker, whilk wes accordinglie performed."

"The whilk day the contract betuix his sacred Majestie, with advice and consent of the Lords of Secreet Counsell and Exchecker, on the one part, and ane noble marques, James, Marques of Hamilton, on the other part, anent the disposition made to the said Marqueis be his Majestie of the taxatioun of two of ten and of the ordinar and extraordinar taxatioun grantit to his Majestie be the Estates in the moneth of Junij, 1633, in satisfacioun of the somese of money mentioned in the said contract, being exhibite be Johne, Erle of Traquaire, deputie thesaurar, to be past and subscrived be the Lords of his Majestie Counsell and Exchecker, of
the quhilk nomber Sir Thomas Hope of Craighall, his Majestie Advocat, is one, the said Sir Thomas protested that his docketing of the said contract be command of his Majestie and the subscriving thairfo be him this day sould not be prejudiciall to him, his airis and executors of his gift of twa thousand pundis sterline dispounded to him be his Majestie nor to the twa precepts direct be his Majestie to his Majestie thesaurs for payment of the said soume and annuallents thairfo, quhilkis precepts ar accepted be the saids thesaurs, but the samine to stand in thair owne force unprejudged after the forme and tennor thairfo in all points. To the quhilk protestatioun the said noble Marqueis, being personallie present, consented."

Sedentum—Chancellor; Treasurer; Privy Seal; Marquis of Hamilton; Decrees, November 15th July 1634. Glasgow; Erroll; Wintoun; Kingorne; Roxburgh; Dumfreis; Southesk; Traquair; Lord Binning; Lord Melvill; Lord Naper; Secretary; Clerk Register; Advocate.

Complaint by Patrick Edmestoun of Wolmet, as follows:—He has been charged at the instance of Mr. James Raith of Edmestoun “to make patent and passable the wayes and passages leading from the said M’ James his hous to the kirk at Natoun as they have beene thir twa yeere bygane” in terms of their Lordships’ decree, and he intends to put him to the horn for disobedience, although he has really and truly fulfilled the same in all points; for the charge is only of malice to draw the complainer from attending his affairs at home, and under the horn. He has found caution in 500 merks for obeying the said decree in case it shall be found that he has not done so, and craves suspension of the hornings. Pursuer and defender both compearing and having been heard, and Mr. James Raith still insisting that the decree had not been obeyed, the Lords ordain that the said ways and passages be viewed, enlarged and made patent by the appointment and at the sight of Robert Prestoun of Craigmiller, as a neutral person for both parties, and grant their warrant to him for the same. He is to report his procedure so that what he ordains may be fully authorised to stand under the penalties contained in the acts of lawburrows by the said parties.

Complaint by Isobel Sewart, spouse of William Douglas, aier of Pomfrestoun, and the said William, for his interest, as follows:—On 29th June last, William Dowglas in Pomfrestoun came by way of hamesucken to the complainer’s dwelling house and at the instigation of Marion Bruce, his mother, entered the same about 10 o’clock at night when the complainer was alone, and, without any offence given by her, “shamefullie pabhands in her person, she being great with chylde, gave her manie bauchie and blae straiks in the face with his faded neiffes, dang her to the ground, strak her with his feete on the bellie, rugged out the haire of her head, and thairafter drew his dagger and sword and had not faillyed
to have slaine her thairwith if her husband had not happielie come for her lyffe; and then the said William flew." Charge having been given to the said William Dowglas and his mother, and the complainant compearing by her said spouse, but not the defenders, the Lords ordain them to be put to the horn and escheated.

This day there compeared personally John Robertseone of Bletton, John Robertseone of Bletton, son of Bletton, Hew Campbell of Seat and John Campbell, his son, and produced a copy of letters at the instance of Duncan Ferguson in Meling, Christian McDuff, tenant of the Earl of Errol and their servants, charging them to appear this day before their Lordships and answer to a complaint of having hurt and wounded the said Duncan Ferguson's servants, and protested that seeing their accusers had not compeared to prosecute their complaint, nothing further should proceed in this case against them until they were warned of new and their expenses paid. The Lords admit the protestation.

Supplication by John Dumbar of Moynes and Robert Dumbar, apparent Supplication by John Dumbar of Moynes and Robert Dumbar, apparent thereof, as follows:—The warrant granted to them by their Lordships for selling their lands and paying their creditors expired this day, and that they have fully settled with all their creditors by selling their lands to John Grant, brother's son to the late Laird of Grant, who has taken over all their debts, and nothing further remains to be done but to receive the money, which will require some further time. This accordingly they crave, and the Lords extend their protection till Martinmas next, reserving power to themselves to recall the same on the complaint of parties, the supplicants being first warned thereto.

Complaint by Mr. Andrew Ramsay, one of the ordinary ministers of Complaint by Mr. Andrew Ramsay, one of the ordinary ministers of Edinburgh, as follows:—On 5th February last, Alexander, Earl of Lighthog, as principal, Alexander, Lord Elphinstoun, Alexander Levingstoun of Pantaskane and John Levingstoun of Hayning, were put to the horn at the complainant's instance for not paying him 8000 merks of principal and the interest due thereupon; but they pay no regard to the said horned. The pursuer compearing by Harie Osburne, his procurator, and the defenders by Alexander Linton, their procurator, who produced a protection granted by his Majesty in favour of the said Earl of Lighthog and his cautioners until December next, the Lords find that the protection foresaid will secure their persons from warding in the Castle of Blacknes; and further for certain considerations they supersede the granting of the certification of the said letters against Lord Elphinstoun and the Laird of Pantaskane for the rendering of their houses until their Lordships be further advised, but they ordain letters to pass for charging John Levingstoun of Haynings and the havers of his house to render the same within six days upon pain of treason.

Supplication by John Tochoche, as follows:—He is kept in ward within the tolbooth of Edinburgh without any maintenance and during the past month has been defrauded of the allowance modified by their
Lordships to him to be paid by Mr. James Farquharson in name of the Marquis of Huntlie, who also intends not to pay the same in time coming, and he therefore craves that order be taken herein by their Lordships. Both the supplicant and Mr. James Farquharson being personally present, and having been heard, the Lords ordain Mr. James Farquharson to pay John Toshochie what is in arrear of his maintenance and also to continue his payment in time coming until he report to their Lordships the Marquis of Huntlie’s consent to the release of the supplicant.

“The quhilk day ane signature past and exped under the hands of the Lords of his Majesties Exchequer anent the making of soape in favors of John Pilmor being exhibitt before the Counsell be the Advocate was cancelled and the Lords of Exchequer their hands riven theirfra.”

“The quhilk day the Erle of Hadinton, Southesk, and Thomas Crombie of Kemnay accepted upon thame the commission for surveying of the lawis.”

“The Lords continowis the commissioners for surveying of the lawis and the course and order to be followed out for prosecuting of the service till the first Counsell day of November nixt quhairof the Counsellors present, togidder withthe President of the Session, Balcolmie, Foderance, Kemnay, Kelburne, and John McKiesone, who were personallie present, are warned apud acta.”

“The Lords ordains suche barons of the north as are in the toun to be warnit to Thursday to give their opinion anent a dwetie to be uplifted towards the repairing of the calseyis in Cowiemouth.”

The erection of “The Lords of Secret Counsell continewes the giving in of the Lord Torphichen his answers to his Majestis Advocate reasons givin in aganis his erccioun till this day aucht dayes, quhereupon his Majestis said Advocat declared that he would make no forder answers to the Lord Torphichen in that matter, bot wes content that the Lords sould consider of what wez alreadie givin in and accordinglie make report to his Majestie.”

“The Lords of Secret Counsell having read, heard and considderit his Majestis missive letter writtin and directed unto thame whereby his Majestie recommendit unto thame the taking of some speedie course and order that the placlaim whiche formerlie hes beene in use to be presentit to mercats and to be said in hard rollis sail in all tyme hereafter be presented to mercats and sold in opinis, exposing it to the full view of the buyer, the saids Lords in humble obedience of his Majestis royall
directioun being carefull that this abuse, if anie be, whereby the buyers under trust ar deceived, sall be examined and after tryell removed, the saids Lords for this effect callit before thame some of the barons in the north with some commissioners for the burrowes and recommendit to thame the making choise of some of their nomber to reprise to the mercats in the north and to take tryell of the abuse foresaid and of the wrong alledged done in the mettage. Lykes as the saids barons nominat Thomas Areskine of Balhaggartie and Johne Leslie, younger of Pitcaple for Laurenfaire, Sir Alexander Hay of Delgatie and Williame Dalgorno of that Ilke for Lambmesse and Collanfaire, Alexander Strauchane of Glenkindie and Forbes of Cosindae for Bartholfaire and Michaeilfaire in Birs; and the burrowes nominat Andrew Meldrum, baillie of Aberdein, Patrik Leslie there, Johne Leslie, deane of gild there; Mr Mathow Lumisdin, George Moresone and Robert Cruikshanke, burgeses of Aberdein; unto the quhilk persons so nominat, as said is, the saids Lords gives power and commissioun to reprise to the faires foresaid and to take tryell of the abuse foresaid and prejudice, if anie be, in presenting of plaiding in rollis to the mercats and of the wrong done in the mettage and to report to the saids Lords what they will finde therein, with thair opinion for remeiding thairof upon the first Counsell day of November nixt. Followes his Majestis missive anent the act abone-writtin:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greet yow weil. Whereas there wer diverse particulars presented to us and our Estates at our late parliament there by our royall free burrowes requiring dew consideratioun speciallie tuiching the fraud used by sellers of plaiding in presenting thairof to mercat in hard rollis whereby under trust they deceave the buyers; our pleasure is that you take these particulars into your serious consideratioun, speciallie that tuiching the plaiding, causing an order to be speedilie takin and punctuallie keeped that the said commoditie be sold at all tyme heerafter in opin folds exposing it to the full view of the buyer. So expecting all possible expedition heerin for dispatche of these commissioners of our burrowes that sall attend the same, we bid yow farewell. Frome our mannour of Greenewiche, 14th May, 1634."

"Forsamekle as the Lords of Secret Counsell ar informed that there Proclamation agaist bleaching cloth with lime.

hes beeene ane verie great abuse overseene in this kingleme thir diverse yeeres bygane by bleitching of cloath with lyme, quhilk cloath so bleitched becomes in short tyme so unsufficient and is so brunt with the lyme that it hes no continuance bot is eaten up and spoyled afor it be halfe worn, to the great hurt of the commoun weale; for removing of quhilk abuse and preventing the forder growth thereof the Lords of

3 Acts of Parl. of Scot., v. 49.
Secret Counsell hee discharged and be the tenor heirof discharges all his Majesties lieges and subjects that nane of thame presooeme nor take upon hand at anie tyume after the publication heirof to bleithche anie cloath with lyme upon whatsomever cullour or pretext, under the pane of punishing of thame in their persons and goods at the sight and arbitrement of the shireiffs and justices of peace to landwart and of the magistrates within burgh according to the place and residence of the persons offenders and contravenens of this present act and ordinance; and ordains letters to be direct to make publication heirof be opin proclamationoun at all places neidfull quherethrow nane pretend ignorance of the same; and to command, charge and inhibite all his Majesties lieges and subjects that nane of thame presooeme nor take upon hand at anie tyume after the publication heirof to bleithche anie cloath with lyme under the pane to be punished in their persons and goods in maner foresaid: Commanding heirby all shireiffs and justices of peace to landwart and all provests and baillieis within burgh to have a special care, everie one of thame within thair awne bounds, to see this act and ordinance precellie kept and the offenders and contravenens exemplarlie punished, as they will anser upon the dewtie of thair office and obedience."

"The Lords of Secret Counsell nominat and appoints therewithall gives full power and commissioun to Mr Mathow Wemis, minister at Halyrudhous, to reeceve all the moneys collected and to be collected and contributed towards the relieffe of the necessitous people of Orkney throughout all the parts of this kimgdome; and ordains and commands all suche persons who ar entrusted with the collection of anie part of that contribution to inbring and deleyver the same to the said Mr Mathow, and ordains the said Mr Mathow to make payment and deleyverance of suche of the saids soumes as he sall receave to the Bishop of Orkney to be disposed and employed be him towards the supplee and reliefe of the saids necessitous people; quhereameat the extract of this act, with the said Mr Mathow his acquittance to the particular persons frome whom he sall receave the moneys foresaid, togidder with the said Bishop his acquittance upon the recpet of the saids moneys frome the said Mr Mathow, sall be to the said Mr Mathow and others persons respective foresaid sae warrend."

[Sederunt as recorded above.]
twelve workmen commence building with these stones at such parts of
the haugh as required to be strengthened. When information of this
was carried to the burgh of Linlithgow, Andrew Bell, provost, Cristall
Creichtoun, James Gibbison and Alexander Parke, bailies, William
Hamiltoun, late bailie, Charles Crawfurde, dean of guild, James Craw-
furde, treasurer, Robert and Mr. Andrew Ker, clerks of Linlithgow,
James Glen, owner of the mill of Linlithgow, Henry Raith, smith, John
Robert, deacon of the weavers, John Lawrie, deacon of the smiths, John
Bell, deacon of the bakers, Patrick Gibbison, deacon of the cordiners,
William Smith, litster, George Gibbison, deacon of the tailors, Andrew
Myne, chirurgeon, William Bell, burgess of Linlithgow, Thomas Gibbsone,
litster, James Parke, maltman, John and Andrew Duncan, maltmen,
James Robesone, younger, baker, James and John Bishop, millers, Andrew
Borthick, miller, John Gib, miller, and Robert Moriesone, in violation of
the laws against convocation of the lieges in arms for violent and insolent
deeds, assembled together "in a tumultuous and unseemlie maner the
communitie of the said burgh, to the number of three hundreth men,
armed with swords and long weapons, and came in a furious maner to
the compleanners workmen, boasted thame with manie injurious and
minasasing speeches, threatening thame with death if they wrought anie
furder at that worke, and the provost particularlie discharged the worke
men saying, if they wrought thair he sould burie thame under the
stones. Whereupon the poore men for feare of thair lyves left the
worke that day. Yitt, be the diligence of the worke men, the worke wes
happie put up and perfytte upon the first of July instant, whereof
neweinformation being made to the commons and bodie of the town
they all conveened in ane most furious maner with swords, lances, hal-
berts, picks and Jedwart staves upon the ellevent of this instant, came
in a tumultuous maner to the said bauche, trade doun the compleanners
cornes, dimished the whole worke of his fortification, drewe the whole
stones wherewith he had fortified it and layed the same upon the northe
syde of the Water of Even, with drawin swords and halberts persewed
James and John Kennowies, the compleanners sones, who went there to
make [sic] thair lawles proceedings and take witnesse thairupon, strake
at thame with swords, and he having a sword at his belt undrawin they
brake the same behind him, rave his cloths, preist to have castin him
in the water, vented manie disgracefull speeches in contempt of the
law, saying they counted not for the penaltie of the lawborrowis, and that
they sould rather spend fuye yeeres rent of the common good before
they had not thair will of the compleanne." Further, James Mairshell,
the said Mr. Peter's servant, "being weeding corne, they reft him of the
wedock and brake it on him, bruised and trod him under foote." Charge
having been given to the persons complained upon, and the
pursuers comparing personally, likewise Andrew Bell, provost, Cristall
Crichtoun, Alexander Parke and James Gibbison, bailies, William
Hamilton, late bailie, Charles Crawfurde, dean of guild, James Crawfurds, Decreta, November 1633-April 1635. Fol. 122, b.

Supplication by Mr. Alexander Skene, as follows:—Out of his natural affection to Mr. John Skene, his son, and being anxious to reclaim him from his follies, in the “hope that tyme and experience would have brought him to some greater conformitie and that by his vertue and industri he could have fred himselfe of his debt,” the supplicant took upon him “the burden of some pittie debts wherein his sone had verie unworthlie ingadged himselfe.” But his son has now left the country without acquainting his father or “taking good nicht at him,” and has taken with him a number of discharges for sums of money which the supplicant has paid for him, and left the supplicant to account with his creditors. This he cannot get done “upon a suddaine,” although he will be most careful to do so within a short time, and for this purpose he craves their Lordships’ protection. The Lords, for “good and considerable respects knawin to thame,” grant him this till Martinmas next.

Supplication by Fergus Grahame of Blaatwood, as follows:—By virtue of their Lordships’ protection, which now expires, he has given his principal creditor, the Earl of Annerdaill, satisfaction, and if their Lordships would prolong the time he would do the same to his remaining creditors. The Lords grant an extension till Martinmas next, but reserve power to recall this on the complaint of any party injured thereby, the supplicant being always cited to hearing thereof.

Supplication by the provost, bailies and council of the burgh of Aberdeen for a licence to raise tolls for building a new causeway at Cowiemouth.

dene, as follows:—The calseying in Cowiemont is now so worn and decayed that there will be no possibility of a passage that way in this approaching winter. They have done all they can for mending and upholding thereof, but the work is so great, and the many other burdens lying upon the burgh press them so hardly that it is not in their power to accomplish it. Yet no work in the kingdom is more important and necessary and if it be not timeously attended to, there will be no passage that way hereafter. The only way the suppllicants can see for building and maintaining these calsays is by the imposition of a toll on all traffic, and they accordingly crave that their Lordships would grant a commission to them for nineteen years to uplift the following tolls, viz., 2d. from every foot passenger, 8d. from every horseman, 8d. from every horse load of goods of all kinds, 8d. from every ten sheep, 4d. from every cow
or ox, and 2s. for every cart; and for collecting the same to authorise them to build a port at the most expedient part of the passage, and to close the same so that none shall have passage but such as pay the foresaid duty, with power to point the goods of such as refuse to pay. The Lords, having personal knowledge of the urgency of the matter, and having also heard some of the barons and gentlemen of the north thereupon, and finding no other way of accomplishing the same, grant the commission as desired.

"The quhilk day the Advocat produced ane letter direct from his Majestie to him for drawing up ane commission in favors of Sir Alexander Gordoun of Cluny for putting the acts of parliament in execution againis slayers of deir, rae, wylde foule and venison, for quhilk purpose the Lords nominates and appoints the Erles of Wintoun, Kingorne, Annerdaill, Dunfreis, the Lords Bining and Naper, and Sir Archibald Achesoun, or anie three of thame to conveene and meit togidder and to deliberat upon the power and nature of the commission foresaid, what sall be the limits and bounds thereof and what exceptions and restrictions sall be made thereaenent, and to report to the Counsell their opinionm."

"The Lords ordains his Majestie's Advocaet to consider the signature anent the correction hous and to rectifie and amend what he sall find wrong or defective therein."

Complaint by William Andersone in Gartnavell, as follows:—On July last David Andersone of Byres came to the complainer as he was peaceably walking beside his own house in Gartnavell and suddenly "dang him to the ground" with a great rung, giving him "manie bauche, blae and bloodie stroks therewith" to the effusion of his blood, until he broke the rung upon him. Further, on October thereafter, the said David Andersone, Margaret Tassie, his mother, and Thomas Allane and Ninian Hamilton, her servitors, armed with "bandit staves, swords, whingers" and other weapons, came by way of hamesucken to the complainer's house under cloud and silence of night, about 10 o'clock, when the whole family except himself were in bed, for the purpose of taking his life, for fear whereof the complainer was forced to go out quietly by a back door. Missing him, they "stogged the beds in the hous" and cut and spoiled a great part of his plenishing. The same night they convened thirty-two shearsers and brought them to the complainer's lands in the Ward of Gartnavell, which he holds in tack and has laboured for several years past, and which he had well limed and
sown, where they cut the whole crop and carried it off, extending to thirty-four bolls of oats. Charge having been given to the said David Anderson of Byres, Margaret Tassie, Thomas Allane and Ninian Hamilton, and the pursuer.comparing and also David Anderson, the Lords, after hearing parties, assize the said David from the first two points of the complaint, because the probation being referred to his oath of verity he swore that they were not true; and the Lords remit the other point thereof to the ordinary judge.

Supplication by Thomas Brown of Nethergait, as follows:—John Broun of Lochhill was due 300 merks by a bond to James Greirson in Dumfreis, and the bond being registered and caption raised thereon, the said John was apprehended and was about to be placed in prison when the supplicant, at the desire of the said John Brown, gave his bond that he should either pay the sum or enter him in ward within the tolbooth of Edinburgh, where the said Thomas might arrest him. The said John was afterwards cited before their Lordships for his religion and committed to ward, and thereupon, to relieve him of his said bond, the supplicant took instruments of the said John's being in the foresaid ward, and made intimation thereof. The supplicant raised a suspension also before the Lords of Session, who have recommended to the Lords of Privy Council to consider whether or not they will release the rebel that the charges for his debt may have execution against him. Seeing the supplicant was never debtor to James Greir but only gave his bond for his being presented in ward, and seeing that Greir has now paratam executionem for arresting of the rebel in ward, the supplicant craves that their Lordships would declare it lawful that the said John Brown be arrested in ward by the said James Greir, so that the supplicant may be freed by the Lords of Session. The Lords grant the prayer of the petition.

Complaint by John, Earl of Mar, lord of the lordship of Cardross, as follows:—On 28th February, 1633, George Ogilvie of Fornathie and Sir John Ogilvie of Innerwharatie were put to the horn at his instance for not restoring to him the teind sheaves of the lands of Lyntrithen, which they had spulzed from him, or paying him the value thereof, and they pay no regard thereto, but go about as if they were obedient subjects. The pursuer comparing by Areskin of Pittrodie, his procurator, but the defenders not appearing, the Lords ordain them to be charged to render their houses and fortalices and also to enter themselves in ward within the Castle of Blackness within six days after being charged under pain of treason.

Complaint by John, Earl of Wigtown, and Sir Thomas Hope of Craighall, King's Advocate, as follows:—The said Earl is tacksman of the teinds of the kirk of Glenholme in the parish thereof and sheriffdom of Peebles, and also of the lands of Glencocher, Glenkirk and Chapplekill, and has been in peaceable possession thereof for several years. This
yearon 5th July he sent his servants to teind these lands, when Thomas Porteous of Glenkirk and William Cosser in Chappellgill, armed with swords and lances and the prohibited pistolets, came to them after they had drawn the just teind of the lambs of the said land, and violently debarred them from taking away the same, which they had pointed and separated from the stock; and the said Thomas Porteous, being on horseback, having a pistol on one side and a sword on the other, maliciously struck William Paterson, one of the said Earl’s servants, “maine tymes about the lugs and upon the head and face with a rode, boasting and threatening him” and the remainder of the Earl’s servants of their lives “if they meddled with any teind there. Charge having been given to the said Thomas Porteous, and he and the said pursuers comparring this day, and they and their witnesses having been heard, the Lords find it proved that the said Thomas Porteous struck William Paterson with a rod, hindered the teinding of the lambs and hounded away the lambs teinded; and for this insolence, aggravated by being against a nobleman of good quality and one of his Majesty’s councillors, they commit him to ward within the tolbooth of Edinburgh until they release him. But as touching the point of wearing firearms the Lords assoilzie him, as the witnesses failed to verify the same.

Supplication by Mr. James Farquharsene, Writer to the Signet, as follows:—Upon the complaint of John Toshoche (ante p. 317) their Lordships ordained him to continue the payment of the modification formerly made to him and also to write to the Marquis of Huntlie either to pay this or consent to John Toshoche’s release. The supplicant has written to the Marquis, and he utterly discharges him from paying the said modification since the day of his arraignment, and as to his release, the Marquis remits that to their Lordships. The supplicant therefore craves that he may be exonered of all further burden in this matter. The Lords agree that he be exonered of all further payment since the removal of the “Ladie Marques” from this town, and ordain John Toshoche to be detained as his Majesty’s prisoner until his Majesty’s pleasure concerning him be known. And they ordain a letter to be written to his Majesty of the state of this business and Huntly’s refusal to pay since Toshoche appeared before the Justice.

“The whilk day the Lordis, haveing hard the reporte maid be the committee appointit to consider of the pouer and extent of a commiission craved be Cluny Gordoun to be grantit to him aganis the slayaris of deir, rae, vennisone, hairis, and wyld foull, the Lordis recommendis to the committee to tak the mater to thair secund consideratione and to sett doun thair opioun in articlis toucheing the pouer of the commiission and with quhat exceptionis and restrictionis the same is fitting to be grantit.”
Sederunt—Treasurer; Privy Seal; Glasgow; Erroll; Kingorne; Acts, June 1634-April 1636.
Wintoun; Wigtoun; Roxburgh; Annerdale; Lauderdale;
Stirlin; Southesk; Tracquair; Bishop of Dunblane; Lord
Bining; Lord Naper; Clerk Register; Advocate; Sir Robert
Gordoun; Sir James Baillie; Secretary.

The whilke 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 Gordoun, knight baronet, vice-chamberlane of Scotland, to be one of the Privie Counsell of this kingdome, and to injoy all digniteis, priviledges and prerogatives proper and dew to that place; lykeas the said Sir Robert, being personallie present and acknowledging with all dewartfull respect his Majestie royll bountie and favour shawin unto him in preferring and advancing of him to this place of honoure, and [sic] he with all humble reverence upon his knees made and gave the oath of alledgeance and of a privie counsellor. Followes his Majestie missive for warrand of the act abonewritten:--- Fol. 14, a.

Charles R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Understanding the habilitie and affection to our service of our servant, Sir Robert Gordon, vice-chamberlane of that our kingdome, we ar pleased in regarde thairof and for his better encouragement and enabling for our service to advance and promove him to be one of our Privie Counsell of that our kingdome. Thairfoir it is our pleasure that, having administrated unto him the oath accustomed in the like cases, yow admitt him to be one of your number of our Privie Counsell there, for doing thairof these presents sail be sufficient warrand. We bid yow farewell. From our court at Wanstead, the 4 day of July, 1634:"

"The whilk day in presence of the Lords of Secret Counsell compeird personallie Sir Johne Achnimowtie of Gosfuird and presented and exhibited before the saids Lords ane commision under the great sale of this kingdome made and grantit be the Kings Majestie to the Lord High Chancellor of this kingdome, the Archbishop of St. Andrews, the Lords High Thesaurar and Privie Seale, the Marques of Hamilton, the Erles of Lauderdale, Southesk, and Tracquair, the Bishop of Ros, the Clerk of Register and his Majestie Advocat, or anie three of thame, for visiting his Majestie warbrod, of whom the saids Lords Thesaurar and Privie Seale, the Erles of Roxburgh, Lauderdale, Southesk and Tracquair, the Clerk Register and Advocat being present, accepted the commission upon thame. And the saids Lords gives power to his Majestie Thesaurar to call unto him anie twa of the commissioners and to appoint tymes for visiting of the warbrod, conforme to the tennor of the said commission:"

"The whilk day, in presence of the Lords of Secret Counsell, compeird personallie Johne, Lord Torphichen, and produced his triply to his
Majestis Advocats duly anent his erectioun; quhereupon his Majestis said Advocat tooke instruments and declared that he would reasoun no farther anent this mater."

"The whilk day, in presence of the Lords of Secreit Counsell, compeird personallie Johne, Lord Torphichin, and reproced before the saids Lords the twa presentations made to him and his predecessors of the lordship of St. Johne whiche wer delyvered formerlie be him to his Majestis Advogat with seales of leade hanging thereat upon strings, quhilks the saids Lords remembred to be trew and his Majestis said Advocat did acknowledge and quhilks presentations now want the saids seales, the same being lost by eating of beasts or otherwayes; in regarde whairof the saids Lords declares that the wanting of the saids seales sall be no derogation to the validitie of the saids presentations bot that the same sall have als great force and effect as when they had the seales hanging thereat the tyme of the first production.

"The quhilk day Sir Thomas Hope of Craighall, knight baronnet, Anent the same. compeirand personallie before the Lords of Privie Counsell, desired Johne, Lord Torphichin, who wes personallie present to declare (and accordinglie to produce) if he had any others writts quhilks might conduce for cleering of his erectioun nor he had alreadie produced; quhilk desire being heard and considerrit be the saids Lords and they being therewith and with the answer made thereto be the said Lord Torphichin, alluding that the said desire was satisfied in his reasons and defenses alreadie givin in, weill advised, the Lords of Secreit Counsell continewes the advising of their interloqutor anent the Advocats desire and Lord Torphichins answer made thereto, togidder with the advising of the hail reasons propounded hinc inde be either partie, till the sevintene day of September nixt, of quhilk continuacion both the saids parteis, being personallie present, are warned apud acta."

[Sederunt as recorded above.]

Complaint by Bessie Wright, widow of Duncan Buchannan of Cattir, as follows:—On May, 1628, John Grahame in Blaircosnocke, her son-in-law, came to her dwelling house in Cattir and earnestly dealt with her to open her "kist" and give him inspection of her charters. She refused, whereupon he threatened her with instant death and so compelled her for fear of her life to open her kist, when he "violently reft and tooke furthairof the whole evidents, letters and writts" within the same, including several bonds due by himself to her; also "all her jewells and what els wes in her said kist, thairafter violentlie thrust her and her daughter to the doores, and dealt with all that was in the house, which he still keeps, to her heavy hurt and prejudice. Both pursuer and defender comparing, and they and certain witnesses having been heard, the Lords ordain the defender to exhibit the kist and all that was in it.
before the Commissary of Stirlin on 14th August next, and they order the said Commissary to open the kist in presence of both parties and deliver to either of them such writs, gear and furniture as they shall agree upon to belong to each other, the pursuer first finding caution to make whatever she shall receive forthcoming to parties interested for loosing of the arrestment made on the defender's hands [sic]; and such goods as both lay claim to shall be kept by the said Commissary, and he shall make an inventory thereof and report the same to the Council.

Complaint by Robert Dumbur of Burgie, as follows:—On 20th and 21st July, 1631, James Gordon of Knockaspeck and William Gordon of Arradoull were put to the horn at his instance for not paying 6000 merks and expenses due by them, and they lie thereat unconcernedly. Charge having been given to the said William Gordon, and the pursuer compelling but not the defender, the Lords ordain that he and the keepers of his house of Arradoull be charged to deliver the same, and he himself to enter in ward within the Castle of Blackness on six days' warning under the pain of treason.

Complaint by John Henrie, sometime in Blacktoun and now in Brydehauche, as follows:—On 3rd April, 1633, Thomas Smyth at the Mill of Ryland, James Alexander in Murehill, and Henry Mers there, came by way of hamesucken to his dwelling house in Blacktoun, and entering therein put violent hands on the complainer and carried him captive with them for half a mile to the burn of Brydehauche, where "with swords and staves they gave him manie bauch, blae and bloodie strokis upon the face and others parts of his bodie, to the effusion of his blood, and had not failed to have slaine him were not he wes happielie releived be some neighbours." Charge having been given to these persons named, as parties, and also to Mr. Thomas Mortimer in Brydehauche, John Din in Methel, Walter Walker in Ryland, Andrew Baxter, William Myill, James Merse, John Allan in Barrellmand, Andrew Eleis and Andrew Paterson as witnesses, and the pursuer compelling personally, but none of the defenders and witnesses, the Lords ordain the said defenders and witnesses to be put to the horn for their contempt.

Suppllication by James Spence, merchant burgess of Edinburgh, as follows:—There being some important accountings between him and William Thomesone, merchant, their Lordships granted their protection to him on 19th June last upon the condition that he should appear before them on the following Council day and nominate auditors. He accordingly attended at the Council house door each meeting day between then and 8th July, but their Lordships' other weighty affairs prevented his being heard. He then petitioned for an extension of his protection, but the said William, to frustrate this and also the accounting, has raised criminal letters against him, charging him to appear before the Justice to answer for "some forgit crymes." This compelled the suppllicant to use an advo- cation to attend some hearings, which has diverted him from that diligence
which he would have bestowed on his accounts. Further, the said William detains from him an account book and some bonds, which he unwarrantably took out of a "dresser anrie" when the lands and houses called the Dameheid were entrusted to him. This account book is written by the said William Thomeson's own hand and was delivered by him to the supplicant, and there was a band whereby he obliged himself to answer for whatever should be found to be out of the said book. Without these the supplicant cannot get his accounts cleared, and he has therefore raised a summons at his own instance and that of his creditors against the said William before the Lords of Session. This being accessory to their Lordships' two protections, the Lords of Session have privileged him to come in upon six days' warning without "dyet, table or continowation." There are many particulars that occurred in their accounts in which the auditors will find great difficulty as to whether they should be allowed or not; some will require the evidence of witnesses from the country, and in particular this one "that in Februar bygane a yeere, the said William ressavd a ship of fourescore tune loaded with butter and tallane at the herborie of Rowan to have been sauld be him as factor to the supplicant, the said William in his compt booke hes given up everie hundreth weight of the said butter and tallane to have beene sauld at twentie twa franks and ten souesee, albeit the supplicant is able sufficentlie to prove, both by the merchants buyers of the goods at Ruan and by the depositions of diverse famous persons, that everie hundreth weight of the saide commodities were sauld at twentie twa franks." This must be proven in France by commission from the Lords of Session, and will take time, and he therefore craves the prorogation of his protection. Charge having been given to the said William Thomeson, and parties compearing on the 22nd of July, the Lords then granted protection to the supplicant till the 29th instant, provided that he appeared and brought with him the auditors of his accounts that their Lordships might know in whose default the delay had occurred. The said parties compearing again this day, together with John Fleeming and John Binning, two of the auditors nominated by their Lordships for hearing their accounts, and the Lords "understanding by report of the saide arbitrators that their hearing and proceeding in clearings of the saide comptes was interrupted by the saide parties their passionat, unrewlie, and disrespective behaviour aither to others in presence of the saide arbitrators," for avoiding the like and encouraging parties to proceed, ordain the auditors to go on with the hearing, clearing and fitting of the said accounts; and they also ordain William Thomeson to deliver to the supplicant a just copy of the foresaid book. They prorogate the supplicant's protection until 1st September next, with power to any of the Council who shall then be present to extend it for such a further period as they shall judge expedient upon the declaration of the arbitrators that he is not wilfully delaying their proceedings. And further, they declare
that if either of the parties misbehave to the other in presence of the auditors, on the latter's complaint to any of the Council, or in their absence to the magistrates of Edinburgh, the offending party shall be committed to ward in the tolbooth of Edinburgh, and there remain until further order be taken for his punishment.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr. William Falconer of , now her spouse, for his interest, as follows:—In violation of the law prohibiting the wearing of hagbuts and pistols, Alexander Gordon, now of Dunkintie, son of "the said Margaret, after the decease of her husband," resolved to wreck his mother in her liferent lands, came on May last, accompanied by William Narne, his servant, James Gordoun of Letterfoure, Lachlan McQueine, his servant, Robert Gordon of Mayne, his brother, Adam Gordon in Arquish, James Ros in Gilmoreysde, John Hepburne, son of Alexander Hepburne, portioner of Innerlochtie, Finlay M'Innariche and others of the lieges, to the number of , armed with swords, bows, darlochs, hagbuts, pistoles and other weapons, to the complainer's liferent lands of Kirkton, and, entering within the house, locked the same, took the keys with them, and would not permit her to enter nor meddle with her beir and other provision which she had therein for maintaining of herself and her children, "and they goe ravaging up and doun the said lands threatening to make bullet bagges of the compleanners skinnes and her tenants if they preast to labour the same."

Further, on the 13th of the said month, when the complainer sent William Leslie, her bailie, and Lawrence Troup, her clerk, to hold a court upon her said lands, the persons foresaid, armed as stated above, threatened the tenants with death if they acknowledged the said court; and they sought for the said bailie and clerk, vowing to take their lives if they held any courts there in the complainer's name. Again, on the 23rd of the same month, the said Alexander Gordon, Adam Gordon, James Ros, Lachlan McQuein, William Narne and Finlay McNaroch, armed as above, came to the complainer's liferent lands of Kirkhill and razed to the ground the houses built thereupon. "And that same day the said Alexander brake ane rung upon Annas Gordon his sisters head and shot a pistole at her and violentlie shot her and her sex brethern and sisters to the doore." Still further, on the 31st of the said month, the said Alexander and his foresaid accomplices, all armed as above, came to the complainer's liferent lands of Kirkton and razed to the ground the whole houses, chambers, stables and all other buildings thereupon. And on 1st June instant these persons, armed with guns, pistols and other weapons, came to the complainer's lands of Caldocits and violently took away the oxen of Robert Bairner, her tenant, when he was yoking them in the plough. They daily wear hagbuts and ride armed therewith in all parts of the country, threatening her tenants therewith so that her
lands are cast waste. Charge having been given to the said Adam Gordon in Ardewish and Lachlan McQuein, servitor to James Gordon of Letterfourie, and his Majesty’s Advocate and Mr. William Falconer comp- pearing, the latter also representing his wife, but the defenders not appearing, the Lords, after hearing the pursuers and their witnesses, find the complaint proven so far as regards the wearing of firearms, razing of the houses and taking away of the goods libelled against Lachlan McQuein, and the same, with the exception of the razing of the houses, against Adam Gordon, whom therefore they ordain to be charged to enter into ward within the tolbooth of Edinburgh within fifteen days, when, if they disobey, they are to be put to the horn. And the Lords ordain £10 to be paid by Mr. William Falconer to each of the witnesses for their expenses.

Supplication by James Robertoun of Ernock and James Robertoun, fiar thereof, as follows:—“He hes ane earnest purpose to give all his creditors satisfaction be selling and disponing upon certane of his land,” but dare not appear in public for proceeding therewith without their Lordships’ protection, which accordingly he craves. The Lords grant this “to the said supplicant” until 8th January next.

“The lyke protectione grantit to James Mathesone for not payment to him of his fees untill the eight of Januar niixo come.”

Supplication by Alexander Hamilton, son of Sir Alexander Hamilton of Lawfeill, as follows:—“He is resolved to take order with some cautoneries quhilkis he underlyis for his father and also with his awne debts,” if he could have time and opportunity to consult his lawyers. Moreover, he has some valuations to attend before the Commissioners for Surrenders and Teinds, and for these he craves a protection. The Lords grant him until 1st November next.

“Ane missive from his Majestie in favors of the Lord Gray and Panmure anent the making of soape, ordaining their signature to be exped with diligence, and reserving to Mr Nathaniel Uoward the yeeres of his lease of making of soape if it be found that he hes not forefeyte his patent, otherways the same to be furthwith discharged; quhereupon, Mr Nathaniel Uoward being callit and heard anent this mater, the Lords assignes unto him Tuisday nixt for giving in his reasons anent the expeding of the said patent.”

“A missive from his Majestie with some greevances inclosed therein anent the reformation of some abuses both in the Churche and Govern- ment within the Yles of Zetland, quhereanent ordains the Bishop of Orkney and William Dick, as schireff of Orkney, to be warned on Tuisday nixt.”

“The Lords appoint the first Counsell day in the vacance to be upon the xvij day of September nixt.”
Edinburgh, 29th July 1634.

Sederunt—Chancellor; Treasurer; St. Andrewes; Privy Seal; Marquis of Hamilton; Bishop of Glasgow; Wintoun; wigton; Kingorne; Roxburgh; Annerdaill; lauderdaill; Dumfreis; Southesk; Stirlin; Traquair; Binning; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Naper; Secretary; Clerk Register; Advocate; Sir Robert Gordoun.

Banishment of William Crawford for being art and part in stealing eight sheep.

"The whilk day M' James Robertone, Justice Deput, compeirand personallie before the Lords of Privie Counsell, reported to the saids Lords that one William Craufurd, being conveeneed before his Majestye Justice anent some points of thift, he was onelie convict of art and part of stealing of aucthe sheepe; quhereupon the said Justice depute having consulted the saids Lords what doome he coulde pronounce aganis the said William, and the saids Lords being weill and throughlie advised with the Justice depute his desire foresaid, they have ordained and ordains him to pronounce doome of banishment aganis the said William, and to take him actit never to returne agane within his Majestye dominions under the pane of death."

Edinburgh, 29th July 1634.

Supplication by John Dormont and Robert Smith in Privick, tenants to James Chalmers of Gatgirth, and the said James Chalmers, their master, for his interest, as follows:—On May last certain persons within the bailiary of Kyle Stewart, unknown to the complainers, came to one of the said tenant's houses in Privick where he had sixty sheep, "and barbarouslie and crewelie sticked, gored and slew the said hault three score sheepe and left thame all deid. Quhilk being ane wicked and malicious barbaritie, whereof the lyke has not bene hard," they crave their Lordships to grant a commission to John, Lord Lowdoun, and the bailie of Kyle Stewart for the discovery of the perpetrators by convening such persons before them as are suspected and given up in roll to them by the suppliants, and examining them thereupon. This the Lords grant, directing the said commissioners to take the depositions of such persons in writing and report these to their Lordships, and also to imprison any whom they may find guilty until the Council determine their punishment.

Supplication by Mr. Adam Bothwell of Quhelpesyde, as follows:—His father has "now at the pleasure of God departed this lyffe," and, his estate having come to the supplicant as his heir, he is able to satisfy all his creditors, "and live honestlie upon his awne" if he had liberty to move about for settling his affairs. He therefore craves a protection. The Lords grant him this until the last day of November.

"The lyke protection granted [to] Alexander Bothwell of Newholme, his brother, for the lyke causes, dureing the space forsaid."
Sedernunt—Treasurer; Marquis of Hamilton; Glasgow; Erroll; Edinburgh, 31st July 1634. Kingorne; Wintoun; Roxburgh; Annerdaill; Lauderdaill; Bishop of Ros; Bishop of Dumblane; Lord Areskine; Lord Binning; Lord Melvill; Lord Naper; Secretary; Clerk of Register; Advocate; Sir Robert Gordoun.

"The whilk day the Lords of Secret Counsell, according to ane warrand and directioun in writt signed be the Kings Majestie and this day presented unto thame, receaved and admitted David, Bishop of Edinburgh, to be one of the Privie Counsell of this kingdome, and to bruike and injoy all the honnours, digniteis, liberteis and priviledges proper and dew to that place; lykea the said Bishop of Edinburgh, being personallie present and acknowledging with all dewtfull respect his Majesteis royall bountie and favour shewin unto him in preferring and advancing him to this place of honnour and dignitie, he with all dew reverence on his knees, his hands lying upon the halie evangell, made and gave the oath of allegedance and of a privie counsellor. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousins and counsellers, and right trustie and trustie and weilbelovit counsellors, we greit yow well. Understanding perfytelie the sufficiencie and abilitie of the reverend father in God, the Bishop of Edinburgh, and his affection to our service, we ar heirby pleased for his further encouragement and enabling thereto to promove him to be one of our Privie Counsell of that kingdome. Thairfor it is our pleasure and we doe heirby will and require yow to receave him as one of your number upon our said Counsell, and that yow take his oath as is accustomed in the like caises, for whiche these presents sall be your warrand. We bid yow farewell. Frome our manner of Greenewiche, 13 May, 1634."

"The whilk day, in presence of the Lords of Secret Counsell, compeiried personallie Colonell Robert Monroe and produced and exhibite before the saide Lords the missive letter underwrittin, signed be the Kings Majestie and direct to the saide Lords, togidder with some articiles enclosed therein anent the erecting of ane hospital for enterteaining of aged and lame souldeiors in maner specefeit and conteanit in the saide letter and articles; of the whiche the tennour follows:—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousins and counsellers, and right trustie and trustie and weilbelovit counsellors, we greit yow well. Whereas Colonell Robert Monroe heis caused represent unto us that diverse of our poore subjectes, who have done good service in the warres abroad, doe ordinarlie ather become old or lame, whereby they ar unprofitable for further service and consequentlie burdennable to strangers and no credite

1 David Lindsay, second bishop of Edinburgh. It was in his presence that the famous riot took place in the Church of St. Giles on the first reading of Laud's Liturgy, July 28, 1637.
to our other subjects there, for remedie and helpe of whiche persons he hath proposed that diverse of these whome it hes pleased God to blesses with preferment and meanes in those warres ar willing to give a voluntary contribution for erecting of ane hospitall within that our kingdome for their use and dedicating some yeerelie allowance therunto besides what will accresse unto thame by the bountie of the prince in whois service they wer employed or by their paction with him otherways, according as may more fullie appeare by the inclosed information. To whiche purpose the said Colonell, being willing to undergoe great panes for settling that bussines upon conditions expressed in the information (whiche seeme to be faire and reasonable), hath beene a suiter unto us for his more warrantable proceeding therein to be authorized by our letters patents under our great seal; wherein his intention being verie commendable and the purpose worthie of dew respect and consideration, we have heerby thought fitt to recommend to yow seriously to consider of the information and of the most convenient way for authorizing him by letters patent or by what commissioun and warrand yow think fitt and necessarie and as may best agree with his demands in the information, and to that effect that yow give order to our Advocat for drawing up thairof, whiche we require may be furthwith exped under our caschett and great seal there, that the gentleman (of whois good cariage and service abroad we have beene pleased to take particular notice) be not putt to further trouble or charge tuicheing the passing thairof; for whiche these presents sall be unto yow and our officers whome it doeth particularie concerne sufficient warrand. So we bid yow farewell. From our mannour at Greenswiche, the 4th day of May, 1634.

Followes the informationus:—

Colonell Robert Monro his Informatione to his Majestie honorable Privie Counsell of Scotland for giving instruction to thame of his Majestie letter grantit in his favors to the Counsell for the weale of his Majestie subjects abroad become old and lame in the warres to be amplifie and putt in forme as Mr James Philpe thinks most expedient.

First, thair honorable wisdome hes to consider that in respect there are manie worthie cavaleirs of our nation serving the crowne of Sweden as colonellis, lietennents colonellis, majors, captans, and sindrie other infeirior officers, who be thair good cariage hes atteanned unto great credite and reasonable meanes, and certaine others ar become old and unable to serve in the warres, in consideration whairof for the weale of suche persons unabled and for the credite of our nation the said Colonell Robert Monro, according to his Majesties direction, desyres the Lords of the Counsell to give thair applause to his Majestie warrand in granting commissioun and letters patent under the greate seal to the said Colonell
Robert Monro for gathering ane voluntarie contribution abrod frome the saids officers of our nation whome God hes in a measure blessed for erecting ane hospital within the kingdome of Scotland for maintaeneing of suche officers and souldiers, lame and decayed in the warres, for the credite of our nation, and the said contributiuon as could be had to be keepe be the English companie at Hamburch till twa yeeres wer past that it wer fullie collected, upon the said Colonells fidelitie to his Majestis Privie Counsell and the cavailleirs that contribute and thereafter to be employed be advice of the Counsell and suche others colonellis of the nation as the Counsell thinkes fitting to make choice of to that effect to bring the worke to pas.

Secundo, the said Colonell being muche affected for the weale of his countriemen, lame and become old in the warres abrod, does signifie unto his Majestis most honnoriable Counsell that it is particularlie at all tymes capitulat betuix the crowne of Sweden and all colonellis and officers of our nation that incaise ather officer or souldiour become lame in that service that than and in that caise the crowne of Sweden is obliged that the said lame person, officer or souldiour, sall have ane honorable pension during his lyfetyme in Sweden or in their options being desirous to retire to their countreis sall be honnorable rewarded and sent home; as alsa that suche colonellis or officers as dees in their service having wife and children sould be honnorablie rewarded after their husbands deceasess; whiche both is altogidder neglected for fault of solliciting the Director of the Warres. Thairfoir the said colonell for the weale of suche persons desires most humbelie the Lords of his Majestis Privie Counsell to grant unto him their warrant for solliciting of suche bussines, as also the Counsellis favorable letter to His Excellence the Director of the Warres for fordering the same in most ample and convenient maner as they thinke most fitting, for the weale of the distressed subjects groning abrode for want that ar burdensome to strangers and small credite to their awne nation.

Thridlie, the said Colonell desires of his Majestis Privie Counsell to consider what great leveys hes gone out of Scotland thir ten yeers bygane and what great moneys hes beene givin for arming the souldiours, as also what skarsetie of armes is within our countrie incaise of forранe invasioun; quhilks moneys givin for armes could have beene weill bestowed within the kingdome; thairfoir the said Colonell in recom pense of his good affectioun and intentionis for the weale of his countrie and gaine to the subjects that strangers does gett, desires ane lease of three yeeres to him, his airis and assigneynes, for making of picks, corsettes and muskettis within the kingdome to be sold be him or his foresaids chaper as they can be brought frome anie other parts to the effect that suche armes as beis made and cannot be sold may be keepe as the countreis magezene within the said hospital to be erected, God willing.
Last of all the said Colonell desires of his Majestis Privie Counsell that the government of the said hospitall and rents thairof sail appertaine to the said Colonell during his lyfetyme and thereafter to anie qualified officer that hes served sevin yeeres abroad that his Majestis honorable Counsell thinkes most fitting to undergoe the charge.

Quhilk missive with the informatiouns foresaidis being read, heard and considerit be the saids Lords and they advised therewith, the saids Lords nominates and appoints Archibald, Lord Naper, Adame, Bishop of Dumblane, Sir Archibald Acheson, Secretar, and Sir Robert Gordon to meit the morne at eight of the clocke in the morning heereanent and to confer with him and to report to the saids Lords their opinion.

"Forsamekle as the Kings Majestie, with advice of the Lords of his Secret Counsell, having by ane former act and proclamation of the dait, the fourteene day of Junij last, established ane order anent the sale of tobacco and for preventing the abusses and inconveniences heeretofore occasioned throw the ungoverned sale and immoderat use of the same, by the whilk it was strategie prohibite and forbiddin that none of his Majestis subjects sould presoome nor take upon hand after the fyftene day of September now approacheing to sell or utter tobacco in small or by retaile within this kingdome bot suche and so manie as sail be licenced thereunto be Sir James Leslie and Thomas Dalmahoy, his Majestis commissioners, unto whome and to thair airs, executours and assigneyes for the space of seven yeeres his Majestie hes givin the full and absolute power and auctoritie to treate, article and transact with suche and so manie persons as they upon examination sail finde fit to be licenced to sell or utter tobacco by small or retaile upon suche conditions, fynes, rents or soumes of money to be thairfor payed to his Majestis use, as they sail agree upon, under the pane of confiscation of the said tobacco, besides suche arbitrarie pane as the saids Lords of Privie Counsell sail appoint; and whereas this pane and punishment appointed be the said former act and proclamation is verie uncertane and may breed mater of cavill betuix his Majestis commissioners and the transgressors of the said proclamation, thairfor his Majestie, with advice of the saids Lords, for esbewing all mater of cavill, and to the intent the delinquents may know what danger they ar to incurre by thair contempt of his Majestis royall will and pleasure heerin, hes modified, appointed and sett down the soume of ane hundreth merke as a penaltie to be incurred be evrie person or person, toties quoties, who sail contravene the said proclamation and without licence of our saids commissioners presoome to sell or utter tobacco by small or retaile or by the unce, pund or other proportion under and within ane stone weight, the one halfe of the said pane to belong to the informer and the other halfe to the saids commissioners, and that by and attour the confiscatioun of the tobacco whiche sail be deprehended in the possesioun of the partie contraveneer and seller of tobacco in retaile without licence had thereto, as is abonementioun. And
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ordains letters to be direct to make publication heirof be opin procla-
tioun at the mercat croes of the heid burrowes of this kingdome and
others places neidfull, whytherthrow nane pretend ignorance of the same.
Followes his Majestie missive for warrand of the act abonewritten:—
CHARLES R.—Right trustie and right weilbelovit cOUSE and counsellor,
right trusty and right weilbelovit couseines and counsellers, right trustie
and trusty and weilbelovit counsellers, we greit yow well.  Whereas by
our former letter tuicheing the ordering of the sale of tobacco we signified
our royall pleasure unto yow for establishing ane effectuall order that
none within that our kingdome sould presoome to sell and utter the
same by small and retaile but suche as sall be thereunto licenced by our
commissioners appointed for that purpose, under pane of our high dis-
pleasure and suche penaltie as yow sall thinke fitt to impose upon the
transgressors, to the effect that all mater of cavill may be takin away
and that the delinquents may know what danger they ar to incurre by
their contempt, our pleasure is that in the letters of publication henof
yow caws expresse als weil what is meant by small and retaile (to witt,
the unce, pound or other proportion under a stone weight) as the liquidat
soume that yow sall thinke condignlie to be inflicted tobe quotas by way
of penaltie upon the contemners of our royall will and pleasure herein,
the one halfe thereof to belong to the informer, the other halfe to our
commissioners.  Wherein expecting your care we bid yow farewell.
From our court at Bearercastell, the 25 day of July, 1634."

"Anent the supplication presented to the Lords of Secret Coun-
sell be Sir Alexander Home, sonne to Sir George Hume of Manderston,
makand mention, forsamekkle as the Lords of Secret Counsell, having
by ane former act and according to his Majestie direction sent unto
thame givin to the said supplicant thair warrand for securing of his
person and the better enabling of him to attend and settle his affaires
and bussines in the kingdome, his Majestie hes beene graciouslie
pleased sensyne upon the same considerable grounds by his letter
directed to the saids Lords in the said supplicant his favors to recom-
mand unto thame the passing and expeding of a new protection unto him,
or a prorogation of his former protection for the space of a yeere, in regarde
that his cause in a singular maner deserves his Majestie commiseration,
the said supplicant being his Majestie owne domestick servant; humbelie desyryng thairfior the saids Lords to prorogat his former warrand
or to grant unto him a new warrand for some certane space, lykeas at mair
lenth is contenit in the said supplication.  Quhilk being read, heard and
considderit be the saids Lords, and they having lykewayes read, heard and
considderit his Majestie missive letter direct unto thame in this mater,
and being therewith well advised, the saids Lords, in humble obedience
of his Majestie missive letter foresaid, hes givin and grantit and be the
tennor heirof gives and grants thair warrand to the said Sir Alexander
to haunt, frequent and repaire to and fra in the countrie at his pleasure,
for the better attending and settling of his affaires and busines to be untroubled, arrested or warded be vertue of whateover letters of horning and captioun or other warrand whateover raised or to be raised againis him for civill causes during the space of ane yeere nixt after the expiry of the former warrand grantit unto him, quhilk expires upon the last day of September nixt; discharging in the meanetyme all shireffs, stewartis, bailleis of regalities and their deputs, provests and bailleis of burrowes, and all others judges, officers and magistrates to burgh and land, and als als messengers of armes of all taking, apprehending, warding or arreistring of the said supplicant be vertue of anie hornings, captions or other warrand whateover during the said space of ane yeere nixt after the expiry of the former warrand foresaid grantit unto him, discharging, etc. Followes his Majesteis missive for warrand of the act abonewrittin:—CHARLES R.—Right trustie and right weilbelovit cousin and counsellor, right trustie and right weilbelovit cousins and counsellours, right trustie and weilbelovit and trustie and weilbelovit counsellours, we greit yow well. Whereas we have at diverse tymes signified our pleasure unto yow for restraint of frequent grantinge of protections, especiallie by two letters of late, the one in favors of our free royall burrowes, the other in favors of William Dick, merchant, whairof we ar not unnynedfull, yitt we, having formerlie upon most just considerations grantit unto our trustie and weilbelovit servant, Sir Alexander Hume, knight, a protection for some tyme now expired, whiche for the same reasons and in regarde that his caise in a singular maner deserveth our commiseration, especiallie he being our owne domestick servant, we have now thought fitt to renew and prorogat unto him for the space of one yeere; our pleasure is that you caus immediatlie exped the same under our great seale notwithstanding anie of these letters before mentiouned or anie other direction to the contrare, for whiche these presents sall be your warrand. We bid yow farewell. Frome our manour of Greenewiche, the tenth day of June, 1634."

[Sederunt as recorded above.]

Supplication by Mr. Peter Kennowie of Kettleston, as follows:—He recently complained to their Lordships of a grievous wrong done to him by the provost, bailies and others of Linlithgow, which their Lordships, with consent of parties, remitted to the decision of the Marquis of Hamilton. The Marquis not being then present in Council, both parties went to him and entreated him to take the matter upon him, promising to abide by his decision. He desired them each to choose two gentlemen to go and view the place and take all pains possible for settling their differences and then report to him so that he might the more easily determine what should be done, whereupon the town of Linlithgow
made choice of William Drummond of Ricardtoun and Thomas Dalzell of the Bines, and the supplicant chose Archibald Campbell, brother of the Laird of Lawers, and Robert Drummond of Medope. These gentlemen met on Thursday last upon the ground and heard both parties at length, and the supplicant is informed that they have since made report thereof to the Marquis, and that he has also, after having the matter debated before him, declared what he would have them do to each other in this matter. But his party designs putting off until the time of year come that his grass and corns will be exposed to the overflowing of the water, and he craves that their Lordships would hear the report of the Marquis of Hamilton and interpone their authority therein. The Lords having heard the said report find that the Marquis "hes honorablelie and respectivelie behaved himselfe in the trying and ordering of the bussines committed unto him," and approve the same; and they hereby ordain in terms thereof that the provost and bailies of Linlithgow shall "caus carie and transport the stones libellit and to repone and lay the same upon the hauche heid of the said compleaner his ground," or as many stones of as large a size as were taken away. And they further ordain William Drummond of Ricardtoun and Robert Drummond of Medope to see this done, and also to consider and set down a sure course whereby the complainer's lands may be secured against the violence of the water in time coming, and see the same executed.

Supplication by Sir Patrick M'Kie of Larg, as follows:—There was a bridge twice built upon the Water of Connewar within the diocese of Galloway, which is a common highway from both Scotland and England to Ireland, and many people making this journey have perished in this water. It has caused the country people great expense to build a bridge twice "with a calsey of a quarter of ane myle in lenthe throw ane depth to plow mose leading thairto," and both bridge and calsey are now so worn by the traffic that unless they are presently repaired they will go to ruin. Both bridge and calsey are upon supplicant's ground and he will repair and maintain them if their Lordships will authorise the imposition of a small duty upon every horse and nolt carried in droves between Scotland, Ingland and Ireland and passing be the said brig." The Lords, understanding also from the relation of some of their own number the necessity of what is craved, grant a commission to the said Sir Patrick M'Kie of Larg to uplift the sum of six pennies Scots of every horse and nolt carried in droves as above for five years from this date, the same to be applied for the repairing of the said bridge and calsey, with power to appoint deputes for the collection of the said toll. And the Lords ordain Sir Patrick to report to them his outlay and diligence in the work before the expiry of three years so that, if necessary, the term of his said commission may be extended.

Supplication by Thomas M'Clennar of Collenie, and William Maxwell, by Thomas M'Clennar of Constable of the Traive, steward depute of Kirkeudbright, as follows:—
John Clerk in the Cars of New Abbey, being accused to them as guilty of several acts of theft, they, in the duty of their office, "caused arrest the said John to their court haldin at Carlinwake" on 3rd instant, where he very willingly entered on panel. Being put to the knowledge of an assize, all admitted by himself, he was acquitted on three points of his indictment, but found guilty of the last, which was the taking of a lamb from the lands of Culluchane in the year 1623. This being so mean a point and of so little importance the suppliants could not determine what punishment to inflict and so crave the direction of their Lordships herein. The Lords considering that the said crime falls under his Majesty's general pardon, direct the suppliants to take the said John acted in the Stewart court books of Kirkcudbright not to commit the like crime in time coming under the pain of death.

Supplication by David, Bishop of Edinburgh, as follows:—In the Parliament held at Edinburgh in June, 1633, the Estates granted a taxation of 10s. upon the pound land to be paid at certain prescribed terms to the Lords of Session, and for the relief of prelates, lords of erection and others it was ordained that they should convene their vassals, feuars, tacksmen, pensioners and others obliged for their relief at certain places on 14th September last for the preparation of a stent roll. This day is long since past, but at that time there was no person provided to the abbacies of Halyrudhous and Newabey, which are annexed to the supplicant's bishopric, and so none could lawfully convene the said vassals and others. Now the supplicant has been provided to the said bishopric and he is burdened with the payment of the said taxation. The 13th of August next is also appointed to the prelates and other beneficed persons for convening their vassals, etc., and setting down a stent roll for the first term of the taxation granted to the King, and the supplicant craves that their Lordships would empower him to make up the roll for the taxation to the Lords of Session at the same time. The Lords grant what is desired.

Supplication by Lawder of Bas and Isabel Hepburne, Lady Bas, his mother, as follows:—"They have sustaine verie great miserie, necessitie and want thir diverse yeeres bygane, and they are brought to that low estate that nather have they the means to entertaine their natural lyffe nor to cover thair personis from the cold and tempestuous winter; and if they might attend thair affaires in the country they are [in] good hope and they have verie probable possibilities to recover so muche of thair decayed and wrecked estate as would furnishe thame with meet and clothing during the course of thair natural lyffe." Their Lordships granted them a protection with the provision that they would deliver to James Levingstoun, gentleman of his Majesty's Bedchamber, such write of the lands he bought from them as are in thair hands, and "they have bene verie solist and carefull to have given him
contentment theirin, but the time has been so short and their necessities so pressed thame as they could not have occasion to do anie thing but to forsie how and where they might get some means to entertain and preserve their personis from hunger and cald.” They crave that the Lords would prorogate their protection till Whitsunday next, and they promise that meanwhile they will do their diligence to recover all writs in their own hands, or which they know to be in the hands of others concerning James Levingstoun. The Lords extend their protection until 1st November next on condition that the suppliants deliver up all such writs as they have of the lands of Beill upon their oath before 31st August next, otherwise this protection shall then become void.

“The quhilk day John, Erle of Annerdaill, undertook to make payment to Thomas Bell, prisoner in the tolbooth, of the soume of iiiij & x daylie from this day furth till the next Counsell day upon the xvij of September.”

Sederunt—Treasurer; Marquis of Hamilton; Annerdaill; Leardall; Stirline; Southesk; Bining; Bishop of Dumblane; Naper; Secretary; Clerk of Register; Advocate.

“Ament the supplication presented to the Lords of Secret Counsell be the maisters of coalehewes and saltpanns within this kingdom, makin mention that where the prohibitioun made be the saids Lords of the receaving of dollars for the price of their coale and salt has brought a verie great hurt and prejudice upon thame, and the continuance of this prohibitioun some short space will undoe their whole workes both for coale and salt, for the countrie dispatche of coale and salt will not in a yere hold one of their water works going, and there is no other money currant nor to be had abrod nor in this kingdom but dollars, and the suppliants refuisall to receave makes thame to sell their coale and salt upon trust, quhilk hes of tyme failed thame and made thame to come short of their hope and expectation, sua that their workes will necessarie be cassin up becaus few of the suppliants ar able to hold thame fordwards, their weekelie debursements being so great and the payment of their werkemen being so important and necessaries as the neglect of ane moneths payment will undoe their whole workes without hope or possibilitie of recoverie; and this prohibitioun strikes aganis none of the kingdom bot the suppliants, altho there be manie others whois trade and employment is farre beyond theirs, and who interteanes thair trade both outward and inward most with dollars: Humbelie desyryng thairfyr the saids Lords to take suche course and order heerin as no furder burdein nor prohibitioun be layed upon thame nor is layed upon the rest of the subjects of this kingdom. Thairfyr the saids Lords hes givin and grantit and be the tennor heirof gives and grants thair warrand and licence to the saids suppllicants to receave dollars for thair coale and
salt in tyme comming untill the first Counsell day of November nixto- come, notwithstanding of the prohibition and discharge made in the contrare, quhereanent and all that may follow thereupon the saids Lords dispenses till the said first Counsell day of November nixt."

[Sederunt as recorded above, adding "Ros."纽带]

Complaint by Mr. William Clogie, minister at Inverness, and the provost and bailies of the burgh of Inverness for their interest, as follows:— Though the pursuit and invasion of ministers for the lawful discharge of their office has been very strictly prohibited by an act of the late Parliament, yet John Rid, son of William Rid, burgess of Inverness, having conceived a hatred and malice against the said minister because he reproved his vicious life and conversation, has resolved to take his life. Learning that the said Mr. William was on 2nd July last walking upon the bridge of the said burgh about nine o’clock at night, the said John came to the bridge and twice or thrice passed the minister as if afraid to do anything, till in the end “he turned and fell out in manie opprobrious and disgracefull speeches aganis the minister, and first with his sword he entendit to have slaine him bot the minister be Gods providence having gottin in within the lente of the sword so as the said John could not get it drawin, he then made to his whinger, resolved to have slaine the minister thairwith if some of the neighbours of the town had not happelie comed by and stayed him, holding him till the minister wane home to his hous.” Information of this being conveyed to Duncan Forbes, provost of Inverness, he convened the bailies and officers of the burgh, who after advising went to the dwelling house of John Rid to apprehend him; but found that in the consciousness of his guilt he had fled from his “ludeingeous” and taken refuge in the dwelling house of Andrew Fraser, Commissary of Inverness, where he was “resett and keepit quiet.” They then went to the stable where John Rid’s horse was and arrested it until the said John Rid should either compair personally or find caution to abide his trial; “bot this Andro Frisell, haveing nather regard to the wrong done to his pastor nor respect to the auctoritie wherewith his Majestie had armed the Magistrates,” went to the close where the said horse was arrested, accompanied by Donald Fraser in Keirnyllis, Francis Duff, John Dunbar of Hemprigs, William Cudbert, William Stevinstoun, John Dow Druman, James Duffe and others, armed with swords and staves, and “in ane most barbarous forme the said Donald priest up the stable doore, tooke out the horse, and montit the said Johne Dunbar upon him, who all in ane tumultuous forme came to the calsey calling to sic who durst clame that horse.” The provost and bailies, then “drawing neere to setle the tumult, commandit that this horse sould stay till he were takin away by a legall course. Bot the said Donald, being covetous of blood, made ane great preissee among the people, drawing his sword
and swearing by the eternall God that he should put the sword throw the
provest his backe and bellie; and if he had not beene haldin he [had] not
failed to have beene the caus of great bloodshed that day, but the
provest for eshewing of trouble retired himselfe. And the said commissar
and his complices, triumphing as it were, tooke the horse with shame to
the port from whence the said John Dumbar wes directed backe to the
said commissar his hous and tooke this Johne Rid out at one backe
door, and convoyd him where the horse wes and delyverit the horse to
him, who monting himselfe thairon, he and the said commissar went on
their jorney from Innernes to Edinburgh where they keept companie till
the day of thair compeirance before the saids Lords drew neir. Charge
having beene given to the said Donald Fraser in Keirmyllis, William
Cudbert, William Stevinsone, Andrew Fraser, John Rid, John Dumbar,
and Francis Duff, and they all comparring with the exception of John
Rid, and the said Mr. William Clogie and Duncan Forbes, provost of
Innernes, appearing for themselves and the remanent pursuers, the Lords,
after hearing parties and their witnesses, find that John Rid "invidit
and threatened the said M' William Clogie, minister, shoring to have put
a sword throw him, and that he preist first to have drawin his
sword and then his whinger, but wes stayd be some persons,"
for which insolence they ordain him to be charged at the dwelling
house of Laurence Cudbert in Innernes, "where the said John com-
monlie haunts and uses to ludge," and by open proclamation at the
market cross of Innernes, to enter himself in ward within the tolbooth
of Edinburgh within fifteen days, which if he disobey, he is to be put to
the horn and escheated. Further, the Lords find that the said Donald
Frisell "threatened the said Duncane Forbes, provost, with his sword and
a whinger, shoring to cleve his heid to his teeth, and to thrust his
sword throw him, and that he had not failed to have invadit and per-
sued him if he had not beene stayd; as also that he assisted the
takeing of the key out of the stabelers hand and takeing the horse furthe
of the stable." Further, they find "that the said John Dumbar assisted
the takeing of the horse out of the stable and that he monted himselfe
thairon and raid away with the horse," notwithstanding the arrestment
thereof; and for these misdemeanours they ordain Donald Frisell to be
imprisoned in the tolbooth of Edinburgh upon his own charges till 17th
September next, and John Dumbar to be imprisoned therein till Monday
next and farther until he enact himselfe not to trouble the said burgh
hereafter, under the penalty of 1000 merks. The Lords assoilzie the
remaining defenders as nothing was proven against them.

Complaint by Mr. Laurence McGill, advocate, sheriff-depute of Edin-
burgh, as follows:—On 9th April last Duncan Richie, messenger,
charged him to apprehend and imprison Euphame Wachop in Wester
Dudingston against whom letters of caption had been raised by John
Forsyth, chirurgeon in the Cannogait. Accordingly on the 16th of that
month he went thither to execute the charge, not expecting that "in this
happie tyme of peace" any one would oppose his Majesty's officer in
the execution of his duty "within ane myle to the residence of the Privie
Counsell and Session. Yet Alexander Broun, officer in Wester
Duddingtoun, John Kirkpatrick there, and David Kirkpatrick, miller at
Dudingstoun, with convocation of the lieges, came to the complainer
while he was making search at Eupham Wauchope's house, and without
respect to the law or reverence to him "who hes beene these manie
yeeres shireff deput and verie famous in that charge, they shamefullie
rayled upon him with disgracefull and contumelious speeches, saying he
was over pert or anie McGill in Scotland to come and seek ane persone
in these bounds. And the said Alexander Broun threatened to pull out
his beard and trade him under foote." Charge having been given to Fol. 136, b.
these persons and the pursuer compearing, but not the defenders, the
Lords ordain them to be put to the horn and escheated for their
contempt.

Complaint by Mr. Alexander Innes, minister at the kirk of Rothenay,
as follows:—On 21st January last Katharine Forbes, widow of William
Gordon of Rothenay, was put to the horn at his instance for not paying
to him the teinds, victual, vicarages and prices thereof for the years
1629, 1630, 1631 and 1632; and she was again put to the horn at his
instance on 20th June last for not delivering to him certain "threaveis
of aitie and beir." She proudly remains at the horn, and "in regarde
of her birth and freindship in these bounds thinks her selfe secure and
able to stand out." Charge having been given to the said Lady Rothe-
may, and the pursuer compearing but not her ladyship, the Lords ordain
charge to be issued against her for the rendering of her house of
and entering herself in ward within the Castle of Blackness within fifteen
, days under the pain of treason, which is to be executed upon her without
favour if she disobey.

Complaint by Sir William Dowglas of Cashogill, as follows:—He is
warded in the tolbooth of Edinburgh at the instance of Mr. George
Dowglas of Penzearie for not fitting and removing from the lands of
Cashogill and Thrustane; also of Andrew Dalrumpie, wright, and Isobel
Ramsay, his spouse, as cautioner for William Frenche of Frencheiland,
in the sum of 600 merks and £60 of penalty; and of Elizabeth Johnstoun,
widow of Matthew Poole, Robert Poole, her son, and Mr. Thomas Ramsay,
now her spouse, for non-payment to them of 2000 merks of principal
and 200 merks of penalty as cautioner for the Tutor of Johnstoun and
Robert Johnstoun, his eldest son; and further at the instance of John
Menzies of Castlehill for not warranting him in the sum of 2225 merks.
He is like to starve for want of entertainment in ward, as he has nothing
to live upon, his rents having been all arrested by his creditors; and yet
if he had leisure and opportunity to sell his lands he could satisfy them
all. Charge having been given to these persons to comppear and consent
either to a maintenance or to the complainer’s release so that he may sell his lands, and the pursuer compearing personally, but of the defenders only Isobel Ramsay, the Lords, after hearing parties, ordain the provost and bailies of Edinburgh to liberate the pursuer, who has granted an ample commission to William, Earl of Dumfreis, Sir John Charters of Amisfield, Sir John Murray of Ravilrig and Robert Crichtoun of Ryhill for selling his lands and satisfying his creditors, he signing it judicially in presence of their Lordships and binding himself to compair before the Council on the last Council day of July next to underlie their censure if before that time he has not satisfied his creditors.

Complaint by the farmers of his Majesty’s customs and John Simson, messenger in Dysert, as follows:—William Williamsone in Kirkaldie lately laded a ship with coals but refused to give up a true note thereof, whereupon the said farmers employed the said messenger to charge him to do so, and in case of his disobedience to arrest his ship. On July last the said messenger performed the duty entrusted to him, whereat the said William Williamsone took great offence and accompanied by John Rany in he lay in wait for the messenger after he had arrested the ship, set upon him, and gave him “fourtie or fiftie straiks upon the head and others parts of his bodie to the effusion of his blood, rave the blasoune from his breist and as yitt keepes the same, reft the letters of captiion from him and rave the same in peeces, uttering manie disgracefull speeches againis the messenger his office and calling.”

The pursuers compearing by John Fleeming, customar, but the defender not appearing, the Lords ordain the said William Williamsoun to be put to the horn and escheated for his contempt.

Complaint by Sir Alexander Nisbet of that Ilk and John Home of Rentoun, commissioners for the small barons and freeholders of the sheriffdom of Berwick, to the late Parliament, as follows:—They have charged Sir John Home of Blacader, James Cockburne of Rysla, George Affleck of Cumledge and John Wilkie of Fouluden to meet at the town of Dunce and to make a distribution of the sum of 300 merks which the Lords of Privy Council modified to each of the complainers for their expenses, and also of the cost of their footmantles, each of which was £359 8s., among the said small barons and freeholders, so that each may know what he has to pay; but upon some frivolous excuses they have purchased a suspension of this charge. The case being called before their Lordships in June last, “some compaired,” alleging that they had warrant from the said Sir Alexander and declaring that he passed from his part of said expenses and footmantle, whereupon their Lordships ordained the letters to have execution only in favour of the Laird of Renton. Now Sir Alexander gave no such warrant to any one to act thus for him, so that the Council have been abused and he wronged. Charge having been given to the said Sir John Hume of Blacader, James Cockburne of Rysla, John Wilkie of Fouluden and John Achinleeke of
Cumlidge, and the pursuers compearing by Mr. John Sandelands, their procurator, but none of the defenders, the Lords find the letters raised by the pursuers against the defenders orderly, and ordains them to be put to further execution.

Complaint by John Logane, merchant burgess of Edinburgh, as follows:—After a year and a half’s imprisonment in the tolbooth of the Cannogait in great misery, he procured a decree from the Lords of Session in March last for his liberation, upon his paying to John and James Davidsou, jailors in the Cannogait, “suche comts and furnishing as they had furnished and advanced unto him in his great necessities during his imprisonment, qhilk James Polwart, indweller in the Cannogait, tooke in hand to doe in name of Robert Logane, merchant burgess of Edinburgh, the compleaners brother.” But as they still refrain from entering into count and reckoning with the said jailors, he is being kept in miserable captivity till he starve. On 10th July last he procured a decree against the said Robert for payment of this debt to the jailors, as he has uplifted all the complainer’s means; but the said Robert and James Polwart in his name desired him, for avoiding the payment of the said jailors, to break his ward and go out of the country, promising that he should not want money. Charge having been given to the said Robert Logane and James Polwart, and both they and the pursuer compearing, the Lords, after hearing parties, ordain the said Robert Logane to pay to the jailors what is due to them by the pursuer during his imprisonment in terms of the decree of the Lords of Session of 10th July last.

This day compereed Robert Alexander, Admiral depute in Fyffe, and presenting a summons against him at the instance of Mr. John Dairsie, burgess of Anstruther Wester, whereby he was charged to produce the said Mr. John before their Lordships and liberate him from the tolbooth of Anstruther, and also to answer for his illegal apprehension of him, protested that seeing Mr. John Dairsie had not compereed to prosecute, and that he was ready to have answered to the complaint, no further process should be allowed herein until he be charged of new and his expenses paid. Which protestation the Lords admitted.

Complaint by James Rodger and Alexander Smart, tenants to his Majesty in the lands of Balbrekie, as follows:—On July last Robert Durie of Easter Newton, Andrew Durie, apparent of Wester Newton, and George Melvill and George Craig in Wester Newton, came to the said lands of Balbrekie and to the Threiplands between the Tritoun and Balbrekie where the said tenants and their servants had won “darges of faill, fowell and divvet for their winter elding,” as they had been accustomed to do past memory of man, and with spades and other instruments they cut and destroyed the said fuel, carried away the same upon carts, threatened and menaced his Majesty’s said tenants and their servants and herds, and hounded their goods off the said lands, and they
daily hound and drive away their goods and molest their said servants whereby the complainers "ar verie disabled to pay the dewties of the lands." Charge having been given to the persons complained upon, and James Rodger comparring for himself and the said James Smal [sic] and Robert Durie appearing for himself and for Andrew Durie with John Dunlop, advocate, their procurator, and George Melvill and George Craig not comparring, the Lords, having heard parties, find that the said Robert Durie has done a great wrong "in cutting and carrying away of the saids turreffs, faill and dovettes after the same wes won, brought and land [sic] upon his Majesties proper land," seeing he could not deny that the pursuers were there in use to win their fuel. They therefore continuing the pursuers in possession of their right of winning their fuel upon the said lands of Balbrekie and Threepland, as they have been in use to do, ordain the defenders to lead back the turfs, etc., and discharge them from further molestation of the pursuers until it be decided before the judge ordinary to whom the said right appertains, under the penalty of 500 merks. And the Lords direct George Melvill and George Craig to be put to the horn and escheated for their contempt.

Complaint by Elapet Maisson, lawful daughter of the deceased William Maisson, merchant burgess of Edinburgh, and Mr. Gabriel Rankine, now her spouse, as follows:---On 26th January last John Maxwell of Castle milk and Robert Greirson in Barjarige were put to the horn at their instance for not paying to them 500 merks of principal, with 25 merks as one term's interest, £50 of expenses, and other termly interests; but they take no regard of the said horning. The pursuers comparring by Thomas Maxwell, their procurator, but the defenders not comparring, the Lords ordain them to be charged to render their houses of Castlemilk and Barjarige and enter their persons in ward in the Castle of Blackness within six days after the charge under the pain of treason.

Supplication by Robert Stewart of Balleachâne, Neill Stewart of Graniech, James Stewart of Falscastle, Alexander Stewart of Hurrad, Neill Stewart of Bospieck, John Stewart of Bonsked, John Stewart of Sheithglassee, Neill Stewart of Curradmoore, John Stewart of Innervat, John Stewart of Drumphwen, John Stewart of Kinniewhan, James Stewart in Drumcake, Patrick Stewart in Kinnoch, John Stewart of Innerchaddane, Alaster Stewart in Temper, John Stewart of Over Lareis, John Stewart of Drumtawlie, John Stewart of Fandinats, Patrick Stewart of Drumphwen, William Stewart of Crasteur, Isobel Stewart, widow of Donald McKenzie of Delmor, Duncan McKenzie, her son, John McKenzie, son of Allan McKenzie of Allanquoch Beg, James and John McKenzie, his lawful sons, and Thomas McKenzie, his natural son, Alexander McKenzie in Braichloucher, John Stewart of Drumarchen, Donald Stewart, his brother, and Robert Stewart, son to the said John, as follows:---Upon very just grounds for the safety of their lives they have raised letters of lawburrows against Angus McDonald Vic Eane Dowie
VicAllester in Glenco, John Gaer McAllaster Roy there, Allane McEan and Brokyn lymmars, some of the Clangregour and some of other cinnis, all for the most part dwelling in Glenco," but they can get no officer who will venture to go to the place where these people dwell, "the most part having no dwelling place at all." They crave that their Lordships would authorise the service of the summons to be at the head burghs of the sheriffdoms in which they dwell; and this the Lords grant, admitting the same to be as lawful as if it had been at their dwelling houses.

Supplication by Robert Lamert, indweller in Kingorne, as follows:—
He is in ward in the tolbooth of Edinburgh on the charge of "being airt and part of the slaughter of Thomas Dow in Lochgellie," and has been there now for a year in great misery, having nothing wherewith to sustain himself "but such as he ressaves by the purse and crying furth of the yronhous." He has now upon production of letters of slains obtained a remission, which has passed the privy seal, but therein in respect of his poverty he can proceed no further so long as he is in prison. He therefore craves their Lordships' order for his enlargement. The Lords ordain the provost and bailies of Edinburgh to release him.

Supplication by John Livingston, merchant burgess of Edinburgh, as follows:—Their Lordships know that as cautioner for the Earl of Linlithgow, Donypace, Banton, Andrew Levingston, brother to Banton, and others, his friends, he is so distressed that he dare not go about "for suitting his releif and disposing of his estate to these whom he stands cautioner." In the short time granted to him he has satisfied Andrew Russell and Mr. William Arthure of 6000 merks, and he hopes to satisfy the rest if he had a little further time. This he craves; and the Lords grant him till 1st January next.

"The lyke prorogation grantit to Mr. John Hamilton, minister at Blair, till the 4 of November next."

"The Lords ordains Mr. David Aittoun, who wes personallie present, to advance to Patrik Halket his allowance weekelie with certificat to him if he failis the Lords will ordaine the said Patrik to be putt to libertie and to remaine within the burgh of Edinburgh conforme to the first decreeit."

"The Lords ordains the Bishops of Glasgow, Ros and Orkney, the Secretar and Sir Robert Gordoun, to meit upon the greevances of Zetland the morne and to report to the Counsell upon Mooniday; lykewise the saids greevances wer givin up to William Dick to be advised be the Bishop of Orkney and him."

**Sederunt**—Treasurer; Privy Seal; Marquis of Hamilton; Glasg-ow; Erroll; Kingorne; Roxburgh; Annerdail; Dumfreis; Stirline; Traequair; Bishop of Edinburgh; Bishop of Ros; Lord Bining; Lord Melvill; Lord Naper; Secretary; Advocate; Sir Robert Gordoun.
The whilk day in presence of the Lords of Secret Counsell compeired personallie Sir Archibald Achesone, Secretar, and reported to the saide Lords the overtures propounded be Colonell Robert Monro for a voluntarie contribution to be collected towards the erecting of ane hospital for the maintenance and helpe of old and lame sooldiers; whiche, being read, heard and considerit be the saide Lords, they ordaine his Majesteis Advocate to draw up ane commission giving power to the said Colonell for collecting of the said voluntarie contribution abrod frome all colonells and officers of this nation as will vouchsafe anie meanes that way; and for the better ordering and assurance of the moneys that sall be collected to be made furthcummand to the intendit use the saids Lords ordains the Colonell to have ane booke, the leaves quherof sall be marked be the Clerk of Counsell wherein he sall insert the particular soumes and names of the whole persons that sall contribute in that earand, and that he act himselfe to insert the same trewilie and faithfullie and to make report to the Clerk of Counsell yeerelie what soumes he hes receveit, to the effect the same may be delyvered to suche persons as the town of Edinburgh sall appoint to receve it to be convoyed hither and imploied to the destinat use. And the saide Lords reserves to thameselfs the choice and appointment of the place wherein the hospitall sall be erected. Lykeas the saide Lords for a recompence and in retribution of the Colonell his paneis and travels to be takin in this bussines for the good and credite of the kingdome declares, nominat and appoints the said Colonell to be maister of the said hospitatl and to have the rule and governement of the same and of the rents thairof for his lyfetyme, reserving power to thameselfs after his deceas to make choyse of some qualifie officer who hes served sevin yeeres abroad whom the Lords sall thinke most fitting to undergoe and to be entrustet with the charge of the hospitatl. And forder the saide Lords gives libertie and licence to the said Colonell, his airis and assigneyeis, to make pick, musket and corslet for the service and strenth of the countrie and to sell and dispone thereupon for thair best advantage; and for that effect to imbring strangers for working of the same, provyding alwayes, lykeas it is hearly declared, that this grant and licence sall not be prejudiciall to the free royall burrowes nor exclusive of thame to intend the like mysterie of making of armes whenever they sall be pleased to undertake the same.”

[Sederunt as recorded above.]
Decreta, November 1633-4 April 1636.

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bond which has been forged against him by David Bennett.

writing of John Hygges in Dysert in a false band, they raised action and obtained decreet for exhibition of the said band before the Session. They were, however, required by the Lords of Privy Council "to improve the said band" before 1st June next, which they are unable to do, as John Hygges has fled the country with connivance of the said David Bennett, and he has purchased suspension of the decreet. All they can do is to use their diligence for discussing thereof before 1st June or else to obey the decreet of the High Commission, if it be found that they ought so to do. They crave that their Lordships will give command for extracting the decreet in the matter foresaid, or else stay the extracting thereof till they are heard of new. The Lords ordain the suppliants to obey the decreet of the High Commission before the 20th instant, as they will answer upon their obedience.

Supplication by James Crichton of Fendraught, as follows:—Their Lordships know what heireships have been committed upon the complainer and his tenants by lawless and broken Highlandmen for some years past so that his lands have been cast waste, as tenants will not run the hazard of dwelling thereupon, being so often spoiled of their goods and their lives threatened; and now seeing that owing to the apparent scarcity this year the Highlands are likely to be wholly cast loose, and that already the broken limmars are become desperate and insolent, and are beginning to go about in bands, and other masterless men are going about singly and robbing the poor simple people, he craves that their Lordships would grant a commission to him and such as shall accompany him to search for, and apprehend all broken, lawless and masterless vagabonds within his own bounds and all such persons as are criminally at the horn for the crimes of theft, murder and other crimes committed upon the suppllicant and his tenants, and present them before the sheriff or before his Majesty's Justice General and his deputes. The Lords grant the commission desired, and empower those concerned in its execution and while doing so to carry hagbuts and pistols for their own defence and better capture of these criminals.

Supplication by Jean Forbes, spouse of John Leith of Harthill, as follows:—Her husband is in prison in great misery and their house of Harthill has been taken from them both by Thomas Cromby of Kemnay, sheriff principal of Aberdene, by their Lordships' command. They are in Fol. 142, a.
great extremity and misery for want of a dwelling house, not knowing where to go, and she therefore craves that the Lords would ordain the house of Harthill to be restored to her. The Lords, in respect that the said John Leith is now imprisoned in the tolbooth of Edinburgh, which purges the cause for which the said house was rendered, ordain the said sheriff to deliver the keys of the said house to the suppllicant so that she may peaceably dwell therein and provide her against the winter for fire.
Complaint by Mr. James Watsone, portioner of Sauchtoun, as follows:—On the 9th, 13th August, 1633, Sir John Blacader of Tulliallane was put to the horn at the instance of John, Earl of Carrick, for non-payment to him of a yearly annual rent of 7000 merks and 400 merks of expenses for each term's failure; and on 24th December last the said Sir John was again put to the horn by the said Earl for not paying to him 3500 merks for the Martinmas term's payment of the said annuity for the year 1633 with 400 merks of penalty for that term's failure. To these sums the complainer has been constituted assignee by deed dated 1st March last and registered in the Books of Council and Session, and he has raised caption thereupon against the said Sir John, which, however, he despairs. The complainer accordingly craves letters of treason against him. The pursuer compearing, but not the said Sir John Blacader; and John Rind and Patrick Wood, merchant burgesses of Edinburgh, compeared with Mr. Robert Bruce, advocate, their procurator, who submitted that the letters of treason for rendering of the house of Tulliallane could not be granted as they were in possession thereof by virtue of a charge of treason executed against the said Sir John at the instance of Mr. David Falconer, brother of Sir Alexander Falconer, apparent of Halkertoun, for debt due to him, which he had assigned to them; and for removing of all suspicion of collusion between them and the said Sir John, they enacted themselves judicially in their Lordships' presence that they would remove the said Sir John Blacader and his wife and children from the said house before 17th September next and hold them furth thereof during the said Sir John's rebellion. For this cause the Lords forbear granting letters at the complainer's instance for charging the defender to render his house of Tulliallane, but they ordain him to be charged to enter into ward within the Castle of Blackness within six days after the charge on pain of treason.

Complaint by James Aikman, merchant burgess of Edinburgh, as follows:—On 17th April last John Stewart of Coldingham and Margaret Home, his spouse, were put to the horn at the complainer's instance for not paying him £8135 of principal and £1000 of expenses and interest; against John Stewart of Coldingham, and his spouse, the Lords ordain the defenders to be charged to render their house of Coldingham, and enter themselves in ward within the Castle of Blackness within six days after being charged under the pain of treason.

Supplication by Charles Murray of Banhowrie, as follows.—He was put to the horn at the instance of Paul Redick of Barnehein for not removing from the lands of Barnehourie, and on just grounds he raised suspension thereof. Towards the end of the session, however, while his suspension was being discussed, the said Paul, conscious of the weakness of his cause, went quietly home, pursued the supplicant's wife and
servants for their lives, and violently reft away his goods and bestial off his lands, before any sentence was given in the action of suspension. Suspension having been granted because of the non-production of the original 'horning, etc., on 31st July last, it is very probable that some trouble and breach of the peace will arise in the approaching harvest as to the reaping of the corns of the said lands. He therefore craves that their Lordships would grant commission to Lanie Murray, bailie to the Laird of Cokpole, who is brother-in-law to the said Paul, to reap the corns of these lands of Barnewhowrie this present year and stack them in some neutral place upon the charges of the said crop until it be determined by the judge ordinary to whom it appertains. The Lords grant the commission as craved to the said Lanie Murray and discharge both the parties from meddling therewith under all highest pain that may follow.

"The whilk day the Advocat exhibite before the Counsell a signature drawin up be him by warrand from his Majestie and according to the articles agreed upon be the Lords for a commission to Cluny Gordoun for putting the acts of Parliament to executioun agains the slayers of deir, rae, wylde foule, haires and others in ane unlawfull maner; whiche being read and heard by the Lords they allowed thatrof and past and subscryved the same."

"The Lords recommends to the Bishope of Glasgow and Ros and the Secretar to travell betuix the provost and minister of Innernes and Donald Fraser for reconciling thame and removing of their differences, and to report thair proceedings to the Counsell upon Thursday nixt."

[No record of sederunt.]

This day in presence of Patrick, Archibishop of Glasgow, and Sir Robert Gordon, knight baronet, two of the Lords of Privy Council, to whom their Lordships gave warrant for the purpose, there compereared Duncan Forbes, provost of Innernes, for himself and the burgh of Innernes, on the one part, and Donald Fraser in Keirmyllis on the other part, and submitted the further satisfaction to be made by the said Donald to the provost, bailies and Council of Innernes, for his insolence to them (see ante p. 342) in addition to the imprisonment he has endured within the tolbooth of Edinburgh from 31st July last till this day, to the decision of John, Bishop of Moray, whom the Lords ordain to report his procedure herein upon the first Council day of November next.

Sederunt—Treasurer; Privy Seal; Marquis of Hamilton; Roxburgh; Stirline; Traequair; Clerk Register; Advocate.

Warrant under "The whilk day the signature underwrittin drawin up be his Majestie's Advocat at the command and direction of his Majestie's letter and of a
warrand direct to the Lords of his Majestis Privie Counsell anent the erecting and building of ane hospital within this kingdom for sustenta-
tion and supplee of these souldiers who ar or sall become unable to serve in the warres, and whereby Colonell Robert Monro is nominat and authorized to be collector and ingadderer of suche soumes of money as the colonells, majors and others officers serving in the warres sall be pleased out of their bountie and liberalitie to bestow for that use, was presented to the Lords of Secret Counsell and read in their audience and was allowed and subscriyed be thame and ordained to be past and exped the great seale in maner specefeit in the said signature; of the quhilk signature the tendor followes:—‘Our Soverane Lord, out of his gracious and royall disposition, care and affectioun to the weale of the subjects and natives of all his Majestis kingdomes and dominions, being ever readie to hearken to all suche overtures and motions as may tend to the advancement, helpe and benefite of suche of thame as ar distrest and brought to necessitie for the good and credite of the natiou; and being informed be his Majestis lovitt Colonell Robert Monro for himselfe and in name of the rest of the colonellis, captans, lieutenants and others officers of the Scottish natiou who hes served in the warres with forrane princes, and speciallie under the crowne of Sweden, that ane good number of his Majestis subjects who hes done good service in the warres abrod does in end ather be age or inabilitie through mutilation or dismembriung become unprofitable for the warres and burdensome to strangers, quhilk betyme may carie some imputation and discrite to the natiou if remeid and helpe be not putt thereto; and therewithall, it being represented to his Majestie be the said Colonell Robert Monro that manie worthie persons of this nation following the crowne of Sweden, who be their valour and courage hes atteanned to great credite, and whome it hes pleased God to bless with preferment and reasonable means, and willing to give ane voluntarie contributioin for erecting of ane hospital within his Majestis kingdom of Scotland for thair use and dedicating some yeerelie allowance thereunto, besides what will accresse unto thame be the bountie and liberalitie of the princes whome they have served or sall happen to serve heaerafter, and for doing thairof did supplicat his Majestie to have his Majestis warrand, power and auctioritie to that effect; and his Majestie out of his gracious and royall disposicioun being most willing to furder and advance all suche pious intentionis and warkes did by his Majestis letter direct to the Lord of his Majestis Counsell of Scotland recommend the consideratioun of the said purpose and motioun with the cautions, provisions and conditions necessarie for bringing the samine to perfectioun. According to whilk the Lords of his Majestis Secret Counsell having heard and considerit the propositions made be the said Colonell Robert Monro they have agreed and condescended with the said Colonell Robert Monro according to certaine articles sett down and
express in the act made be the saids Lords of Secret Counsell of the Acta, June 1634-April 1638. dait the fourth day of August instant, and his Majestie being most willing that the said laudable pious purpose and intentioun be advanced, followed furth and prosecute to the end; thairfor his Majestie with Fol. 19. b. advice of the Lords of Secret Counsell ordains ane letter to be exped under his Majestie's great seale givand, grantand and committand, lykeas his Majestie with consent foresaid gives, grants and committs full power and libertie to the colonellis, majors, captans, lieutenants and others officers of the natives of this kingdome who hes served or sall happen to serve abrod in forранe warres under forранe princes, and speciallie, but prejudice of the generalitie foresaid, to these who hes served or sall serve in the warres under the crowne of Sueden, to build, construct and erect within this kingdome of Scotland (according to the articles, cautions and provisions agreed upon and express in the act of Secret Counsell of the dait, the fourth of August instant) ane hospital for supplie, maintenance and interteamen of suche of his Majestie's subjects who hes served or sall serve in the warres abrod under forранe princes and who hes already or sall hereafter become unable for forder service be age or inabilitie be reason of wounds or mutilatioun or other hurts and damages receaved in the warres and having ane passe and testimonial of their lawfull mission. And to the effect that suche sousmes of money as the saids colonells, majors, captans, lieutenants and others officers whom God hes advanced with meanes in their services in the saids warres or others whatsomever of thair bountie and liberalitie ar willing to advance and contribute for edifing, construing and erecting of the said hospital and furnishing of meanes and maintenance to the saids aged, lamed and mutilat souldiers, may be collected and ingaddered, his Majestie with consent of the saids Lords of his Majestie's Secret Counsell hes nominat, authorized, made and constitute the said Colonell Robert Monro to be collector and ingadderer thairof, and hes trusted him upon his oath and honnour with the ingaddering and collectioun thairof, according to the tenour of the said act of Counsell and conditionis thereof therein conteanit; and to that effect hes delyvered to him ane booke conteaning 88 leaves all marked be the clerk of Counsell within the quhilk booke everie person who sall make ane contribution for the said pious warke sall write and insert his name with the soume quhilk he contribue and subscryve the same with his hand, according to the quhilkis booke, subscriptions and contributions therein to be conteanneed, the said Colonell Robert Monro sall be comptable to the Lords of his Majestie's Secret Counsell for the soumes to be contribute to the said pious warke, and for this end sall be obliest yeerelie to exhibite the said booke to the Clerk of Counsell with the soumes of money and persons whose names sall be insert therein to the Fol. 20. h. effect the samine may be delyvered to suche person as the provest, bailieis and counsell of Edinburgh sall appoint to receave the same,
whom his Majestie and the Lords of Secret Counsell hee trusted and
burrenced therewith to the effect that the saide soumes being receaved
and convoyed into Scotland may be employed to the building and erect-
ing of the said hospitall and furnishing of maintenance to the saide aged
and decrepit soldiourours according to the tennour of the said act of
Counsell. And his Majestie willis and grants that thir presents sall be
ane sufficient warrand to the writter and keeper of the great seal for
writting and appeneding the great seal heerunto without passing of other
registers and seales. Givin at Edinburgh, the twentie twa day of
August, 1634. Sic subscribitur, Morton; Hadinton; Hamilton; Roxburgh;
Sterline; Traquaire; J. Hay; S. Thomas Hop. Followes the docket:—
Please your Lordships of Secret Counsell, These (drawin up be his
Majesteis letter direct to your Lordships) conteaneis are gift to be past his
Majesteis cashett and great seal granting power and libertie to all
colonells, majors, captans, lieutenents and others officers of the natives
of this kingdome who hee served or sall serve in forrane warres under
forrane princes, and speciallie these who hee served under the crowne of
Sueden, to erect and build ane hospitall within this kingdome for susten-
tation and supplie of these soldiourours who ar or sall become unable to
serve in the saide warres, according to the conditions speciefit in ane
act of Counsell of the dait the fourth of August, 1634; and names and
authorizes Colonell Robert Monro upon his oath and honnour to be col-
lector and ingadderer of suche soumes of money as the saide colonellis,
majors, and others officers sall be pleased of their bountie and liberalitie
to bestow, and beares ane delverie of ane booke conteaning so manie leaves
marked be the Clerk of Counsell, within the quhilk booke everie person
contributer sall insert his name and soume and suberscyve the same, according
to the quhilk booke the said Colonell Robert Monro is to be comptable
to your Lordships, and to that effect is to exhibite the said booke with
the monies insert in the said booke yeerelie to your Lordships clerk of
Counsell to the effect the same may be delvered to suche persons as the
provest, baillies and counsell of Edinburgh sall appoint to receave the
same, whome his Majestie and your Lordships burdeins therewith, to the
effect the same may be imploied to the use and effect foresaid—
S. Thomas Hop."

"The whilk day in presence of the Lords of Secret Counsell compeired
personallie Colonell Robert Monro and actit and oblest himselfe upon
his faith, honnour and credite to doe his best endeavoure and diligence
towards the collecting and ingadderung of suche soumes of money as the
colonells, majors and others officers in this nation servin in the warres
sall be pleased to vouchesaf for erecting and maintenance of ane hospitall
towards the helpe and supplie of old and lame soldiourours, and that the
whole soumes of money so to be advanced and delvered to him be the
saids colonells and others officers foresaid sall be trewlie delvered to
suche persons as the town of Edinburgh sall appoint to be convoyed
hither and destinat to the use foresaid. And whereas by ane act of Acta, June
Council of the fourth of August instant the said colonell is ordaind to 1634-April
have ane booke (the leaves whairof ar appointed to be marked by the
Clerk of Counsell) wherein he sall insert trewlie and faithfullie the
particular sumes and names of the persons that will contribute in that
earand, and to make report yeerelie to the Clerk of Counsell what
sumes he hae receaved, and the saide Lords considdering that by the
yeerelie exhibitioon of this booke the same may be miscarried, torne or
tint to the disappointing and hinder of the pious and good caus for
quhilk this contributioon is intendid, thairfoir the Lords of Secret
Counsell declares that the said colonell sending ane note yeerelie under
his hand to the Clerk of Counsell upon his honoure and credite con-
taining the whole sumes of money that sall be receaved be him and
others in his name towards the advancement and intertneament of the
said hospitall sall be ane sufficient exoneration to him in that point, and
in that caise the saide Lords dispenses with the not exhibitioon of the
said booke yeerelie.”

Sederunt—Privy Seal; Murrey; Wintoun; Annerdaill; Lauder-
daill; Melvill; Bining; Master of Elphinstoun; Advocate; Sir
Robert Gordoun; Sir James Baillie.

Sir James
Nicolsone of
Cockburnspath
accepts the
shiffdom of
Berwick.

Mr. James
Cockburn
accepts the
office of
shiff-depute
of Haddington.

Mr. James
Cockburn re-
appointed
shiff-depute
of Haddington.

“The whilk day Sir James Nicolson of Colbrandespeth, shirreff principall
of the shirfdome of Berwick, compeirand personallie before the Lords of
Privie Counsell, accepted upon him the office of shirfship within the said
shirfdome of Berwick and gave his oath de fidel administratio.

“The whilk day in presence of the Lords of Secret Counsell com-
peirand personally Mr. James Cokburne, shirreff depute of the shirfdome
of Hadintoun, and accepted upon him the said office of shiref depute
within the saids bounds and gave his oath de fidei administratio.

“Forsamekle as Mr. James Cokburne, shirreff depute of the shirfdome
of Hadintoun, hes exercised that office thir manie yeeres bygane both
for the good of his Majesties service in that kynde and to the good
lyking of all his Majestis subjects whome it did concerne, and his
Majestie considering that in regard of his long practice in that service
and sufficiencie otherways great prejudice would arise therein to his
Majestis service and to his Majestis subjects if he wer removed; thair-
foir his Majestie, with advice of the Lords of his Privie Counsell, hes
made and constitute, and be thir presents makes and constituts,
the said Mr. James Cokburne shireif depute of the said shirfdome
of Hadintoun, and gives and committs unto him the office thairof
with all fees, dewteis, escheits, unlawes, forfeyts and casuallitieis
belonging thereto, with power to him to ake, crave, receave and uplift
the same and to exercise the said office siclyke and with als great freedome
and auctoritie as the said Mr. James or any his predecessor in the said
office hes or might have lawfullie done at anie tyme heretofore, shireff courts within the tolbuith of Hadinton and others accustomed places and seate within the said shirefdome to sett, begin, affixe, affirme, hold and continew, suete to make be callit, absents to amerchiat, unlawes, amercia-
ments and escheitas of the saids courts to aske, lift and raise and for the same, if neid beis, to poynd and distreinye, and to proceed and minister justice in all and sindrie actions and causes, criminnall and civil, proper and competent to the said shireff depute, and to caus the same be putt to executioun accordinglie; breeves of our soverane lords chancellarie of quhatsomever nature and qualitie direct and to be direct to the said shireff depute to receave, opin and caus be proclaimed and accordinglie to be putt to executioun; officers, serjants, dempsters and others members of court neidfull to make, create, substitute and ordaine, for whome the said depute sall be haladin to answer; assyes and witnesseis als oft as neid beis under the usaul and accustomed panes to sumnmond, warne, choose and caus be sworne; with power to the said depute to aske, crave, receave, intromett with and uplift his Majesteis castell warids, blench dewteis and etresseis for free tennants and, if neid beis, to poynd and distreinye thairfoir, and compt thairof in his Majesteis Exchecker to make; as alsua to receave the mustours and weaponshawings of the inhabitants within the said shirefdome at suche tymes and places as sall be appointed thereto be his Majesteis lawes and proclamationis and to unlawn and punishe the absents accordinglie, as alsua to raise and conforme the inhabitants within the said shirefdome at all tymes and occasions needfull for the forderance and advancement of his Majesteis auctoritie and service and persute of his Majesteis rebellis, traitours and disobedient persons; and generallie all and sindrie others things to doe, exercce and use quhils ar proper and comptent to the office of ane shireff and quhils of the law and consuetude of this realme ar knowne to pertene: Firme and stable halding and for 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 revocatioun to indure."

"Forsamekle as the commissioun of shirefship grantit to Alexander James Dunbar Dumbar of Grange within the bounds of Elgin and Forres is expired upon the last of July bygane and the Lords of Secret Counsell understanding the good and worthie dispoisition of James Dunbar of Boigis toward the forderance and advancement of his Majesteis service, and that he will behave himselfe with that respect that becomes ane shireff within the sais bounds, thairfoir the sais Lords hes made and constitute and be the tennour heirof makes and constitutes the said James Dunbar shireff principall within the sais bounds of Elgin and Forres, and gives and grants unto him the office thairof with the libertieis and priviledges perteaining thereto, with power to him to use and exercce the said office in all and sindrie the libertieis and priviledges thairof and to intromett with and uplift the fees, dewteis, escheits, unlawes, forefeyts and
casualiteis proper and perteaning thereto, siclyke and with als great Acta, June 1634-April 1636.

deputs and clerkes, or anie their predecessours, hes or might have lawfullie done at anie tyme heretofore; shireff courts within the tolbuith of Elgine and Forres and others accustomed places and seates within the said shirefdome to sett, begin, affixe, afrime, hold and continew, sutes to make be callit, absents to americhist, unlawes, americhiaments and escheite of the saids courts to aske, lift and raise, and for the same, if neid beis, to poynd and distreinie, and to proceed and minister justice in all and everie actioun and caus proper and competent to the said shireff, and to give decreits and sentences thereupon, and to caus the same decreits and sentences receave execution accordinglie; breves of our soverane Fol. 22, b. lords chancellarie of whatsoever nature and qualitie direct and to be direct to the said shireff to receave, opin and caus to be proclaimed and accordinglie to be putt to executioun; assyes and witnesses als oft as neid beis under the usual and accustomed panes to summound, warne, choose and caus be sworne; deputs under him in the said office with officers, serjants, dempsters and others members of court neidfull to make, create, substitute and ordaine, for whom the said shireff sall be haldin to anser; with power to him to aske, crave, receave, intromett with and uplift his Majesteis castell wairds, blenshe dewteis and interestes of free tennents and, if neid beis, to poynd and distreinie thairfoir, and compt thairof in his Majesteis Exchecker to make; as alsua to receave the mustours and weaponshawings of the inhabitants within the said shirefdome at suche tymes and places as sall be appointed thereto be his Majesteis lawes and proclamatiouns and to unlaw and punishe the absents accordinglie, as alsua to raise and convene the inhabitants within the said shirefdome at all tymes and occasions neidfull for persute of his Majesteis rebellis, trautours and disobedient persons; and generallie all and sindrie others things to doe, exerce and use quhilks to the office of ane shireff ar proper and competent and quhilks of the law and consuetude of this realme ar knowne to per teano: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done herin: And ordains letters to be direct to make publication heirof be opin proclamatien at the mercat croces of Elgin and Forres and others places neidfull, quherethrow nane pretend ignorance of the same, and to command and charge all and sindrie his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, and assist the said shireff and his deputs in all and everie thing tending to the forderance and advancement of this commision and to doe nor attempt nothing to the hinder nor prejudice thairof, as they will anser upon the contrare at thair perrell. This commision for the space of ane yeere nixt after the daite heirof to indure.”

Appointment of commissi

ers to take "Forsamekle as the Kings Majestie hes made choise of the persons particularlie underwrittin to be shireffs of the shirefdomes after specefeit
for the yeere to come, and the Lords of Secret Counsell consideringe
that in garde of the shortenes of tyme and necessitie of his Majestie's
service the said shirees cannot be brought heir to give their oathes
before his Majestie's Counsell, thairfor the Lords of Privie Counsell hea
given and grantit and be the tennour heirof gives and grants full power,
auctoritie and commissioun, expresse bidding and charge to the noblemen,
counsellers and others persons aftermenitouened to take the oathes of the
shirees particularlie after speecfet for the faithfull discharge of the office
of shireeship within their severall bounds and jurisdiccion; that is to
say, George, Erle of Kinnoull, Lord High Chancellor of this kingdome, to
take the oath of Sir William Stewart of Garnetullie, shirees principal
of Perth; to Thomas, Erle of Hadintoun, Lord Privie Seale, to take the
oathes of Sir Johne Dalymahoy, shirees principal of Edinburgh, Walter
Cornwall of Bonhard, shirees principal of Linlithgow; Sir Patrik Murrey
of Elibanake, shirees principal of Hadintoun, Sir William Scot of Harden,
shirees principal of Selkirk, and Sir Robert Greirson of Lag, stewart
principal of Annerdaill; and to Patrik, bishop of Glasgow, to take the
oathes of Walter McAwlay of Ardincaple, shirees principal of Dumbart-
tane, Sir James Hamilton of Broomehill, shirees principal of Lanerk,
James Chalmers of Gatgirth, shirees principal of Air, and Sir Williame
Cunninghame of Cunninghamheid, baillie principal of Kylestewart; and
to David, Erle of Southeek, to take the oath of Sir Johne Carnegie of
Ethie, shirees principal of Forfar; and to Patrik, bishop of Aberdein, to
take the oathes of Thomas Crombie of Kemnay, shirees principal of
Aberdein, and George Baird of Auchmedden, shirees principal of Bamff;
and to Johne, bishop of Murrey, to take the oathes of Alexander
McKieinzie of Culecowy, shirees principal of Innernes, and James Dumbur
of Boigs, shirees principal of Elgine; and to Sir Johne Charters of Amis-
field or Sir Robert Greirson of Lag to take the oath of Johne Dalyell,
sone to the Lord Dalyell, shirees principal of Dumfreis; and that the
said commissioners make and send in to the Clerk of Counsell ane for-
mall report in writ of the shirees respective abonewrittin their oathes
to the effect the same may be insert and registrat in the booke of Privie
Counsell. And the saids Lords ordains the saids shirees to make their
adressee with all convenient diligence to the commissioners particularlie
abonewrittin to give their saids oathes for the faithfull discharge of their
offices."

"Forsamekle as the disordered and brokin clannes in the Hiellands
being by force of auctoritie and carefull executioun of the lawes reduced to
obedience now of a long tyme bygane, and his Majestie's peaceable subjects
in the countrie sattled in a full suretie of their persons and goods, thir
disordered lymmaris being now wareied of this long and happie peace
they have upon hope of impunitie begun to breake louse and not onelie
to make privat stouthes bot opin heirships and others insolenceis upon
his Majestie good subjects, to the disgrace of his Majestie governement,
and they are rather encouraged to go on in their wicked and lawless courses in regard of the negligence of the shireffs, stewarts, bailleis of regalitieis and others ordinair judges in not putting his Majestie's laws and acts of parliament into executioun agains thir brokin lymmars and sorners, as alsua because the landlords, bailleis and others whome it concerns gives way to thir brokin men peaceable to pas and repas with their spreaths and heirships throw their bounds. And whereas in the parliament haldin at Edinburgh in the moneth of Junij, 1592, it is statute and ordained that all shireffs and others judges ordinar, as weill to burgh as land, within regaltie as royaltie, sall doe their exact diligence in inquyryng, searching and apprehending of sorners, oppressours, vagabounds and beggers wandering ahort the countrie and all simul theeves and egypietans; lykea in the parliament haldin at Edinburgh in the moneth of July, 1587, it is statute and ordained that if anie person, landlord or baillie reeceave or ressett anie person fugitive after the committting of thifts and depredations upon thair lands and stayes and arrests thame not when they pas throw thair bounds with trew mens goods reft and stollin, if the same comes anie way to thair knowledge or that it be tryed that they might have stayed the saids reaflles and oppressiouns, in that caise they sall be haldin to present the offenders to the lawes or to redresse the partie skaithed, and where the owners of the stollin goods followes not, the stayers and arreisters of the saids goods passing throw thair lands sall be haldin to make certificatoun be publicioun at the mercat croces of the shire that the parties having interesse may challenge thair goods in sax dayes space; and where the lord of the ground never uses to make residence in the parts throw qulhiks the theeves resort they sall be bound to be bailleis and tennents to make thair arrestments and stay and to make publicioun of the same, if it be in thair power or comes to thair knowledge, and that the cheefe of the clan in the bounds where these brokin men dwellis, throw the qulhiks these lymmars and brokin men repaires in passing to steale and reave or returning thairfra, sall be bound to make the like stay, arrestment and redresse; as in the the saids twa acts of parliament at lenth is conteanit. And the Lords of Secreit Counsell understanding that the execution of the saids acts will greatlie conduce towards the restraining of the insolenceis of thir brokin lymmars and the good and quyet of the countrie, thairfoir ordains letters to be direct charging all and sindsire shireffs, stewarts, bailleis of regalitieis and others judges ordinair to burgh and land and als all landlords, thair bailleis and tennents, where they reside not thameselfis, and all chiftans of clans to doe thair exact diligence in inquyryng, searching, apprehending, staying and arreisitng of all brokin men, sorners, vagabounds and sturdie beggers resorting and repairing within thair bounds committing anie heirships, stouthes, reaflles, depredatiouns and slaughter, and to committ thame to waerd therein to remaine till justice be ministrat upon thame as accords,
under the panes conteanit in the saids act of parliament; certifieing the
said shireffs, landlords and others foresaid, if they failyie, that the
foresaid panes sall be execute upon thame without favor; and that
the saids landlords and their bailleis and chiftans of clans who ar not
ordinarie judges exhibithe all suche brokin men, sorner and disorderlie
persons apprehended be thame, as said is, to the shireffs, stewarts and
others judges where they sall be apprehended, whome the saids Lords
makes and constitue his Majesteis justices in that part to the effect
underwrittin, givand, grantand and committand unto thame, conjunctlie
and severallie, full power, auctoritie and commissioun, express bidding
and charge courts of justiciary at quhatsomever places and upon quhatsomever
dayes lawfull and convenient to sett, begin, affixe, affirme, hold
and continew, sutes to make be callit, absents to amerchiat, unlawes,
amerchiament and escheits of the saids courts to aske, lift and raise and
for the same, if neid beis, to poyn and distreinie, and in the same courts
the persons, sorner and brokin men apprehended be the saids shireffs,
stewarts and others ordinair judges to burgh and land in anie actual
thift, depredatioun or stouthreaffe or suspect and delate guiltie of the
saids crymes, or who sall be exhibite and presented unto thame as being
persons of the qualitie foresaid be the landlords, their bailleis and
tenents, to call, be dittay to accuse and thame to the knowledge of anie
assise to putt, and as they shall be found culpable or innocent of the
saids crymes to caws justice be ministrat upon thame conforme to the
lawes of this realm; assyes neidfull for this effect, ilke person under the
pane of fourtie pundis, to summond, warne, choose and caue be sworne;
clerkes, serjants, dempsters and others officers and members of court
neidfull to make, create, substitute and ordaine, for whome the saids
commissioners sall be haldin to answer; and incaise it sall happen the
saids brokin men and sorner for eshewing of apprehensioun to flee to
streths and houses, with power to the saids commissioners, shireffs,
stewarts, landlords and others foresaid, conjunctlie and severallie, to
pas, follow and persew thame, assiese the saids streths and houses,
raise fire and use all kynds of force and warrelyke ingyne that can be
had for wining and recoverie of the same and apprehending the saids
brokin men being therein; and if in persute of the saids brokin men,
they refusing to be tane and violentlie opposing the executioun of this
commission, it sall happen thame or anie of thame or anie being in
companie with thame and within the saids streths and houses and
assisting thame to be hurt, woundit, mutilat or slaine or anie other
inconvenient to follow thereupon, the saids Lords declares that the same
sall not be impute to the saids commissioners nor persons assisting
thame in executioun of this commission as cryme nor offence, and that
they nor none of thame sall not be callit nor accused thairfoir criminallie
nor civillie be anie maner of way in tyme coming, exonerong thame
thairof and of all pane, crime and danger they may incure therethrow
simpliciter be thir presents; with power to the saids shireffis and others judges ordinar to burgh and land, landlordis, thair bailleis and tenents and chiftans of clans and suche as sall accompanie thame in execution of this commissioun to beare and weare hacquebutis and pistoleis in the executioun of the said commissioun and persute of the saids brokin men and sorners allanerlie, and no otherways, without pane or danger to be incurred be thame therethrow in thair persons or goods, notwithstanding quhatsomever acts and statuts made in the contrarie, whereaen the saids Lords dispenses be thir presents; and generallie all and sindrie others things to doe, exerce and use qhilks of the law and consuetude of this realme for executioun of this commissioun ar knowe to perteane: Firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin; charging heirby all his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurrie, fortifie and assist the saids commissioners in all and everie thing tending to the forderance of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, as they will anser upon the contrarie at thair perrell. This commissioun for the space of ane yeere nixt after the dait heirof to indure."

"Forsameke as the Lords of Secret Counsell ar informed that ane great number of sorners and brokin men of the Clangregour, Clannranald, Claniachlane and others brokin clans dwelling under the Laird of McGregor, the Laird of Glengarrie, Allane McEane Dowy and his sons, the Captane of Clannranald, and elliswhere in the Hielands, have verie heavilie infested and spoyled diverse of his Majesteis good subjects dwelling within the shirredomes of Murrey, as namelie upon the day of August last they came to the dwelling hous of Chalmer in Ormestoun, band himselfe and his wife hand and foote, spoyled his hous and refit and away tooke ane thousand pundis or thereby; and upon the day of the said moneth thereafter they in like maner spoyled and herryed the hous of Andro Geddes in Gairmocht; and upon the day of the said moneth they came to the hous of Johne Moir in Braemurrey and robbed and spoyled the said Johne of his goods and gave Mr James Cumming, being in the hous for the tyme, ellevin wounds with his awne durke; lykes in the moneth of Junij last they violently lifted and away tooke ane heirship of fiftie head of oxin and ky aff the month of Dolles; and in the moneth of July thereafter they thifteouslie staw three meirs from Thomas Gilzeane in Haltoun togidder with ane black hors; and latelie in the moneth of September instant thay violentlie drawe away ellevin hors and meiris perteaning to Johne Hay in Ortoun; by the qhilks and manie moe greevous oppressiouns, depredations and heirships committed upon his Majesteis good subjects in the inconniure of Murrey be thir brokin lymmars and sorners, who goe aorth the countrie in great troupes and companes armed with unlawfull weapons, the hail inhabitants in these bounds ar in continuall feare of thair lyfes and
spoyling thair goods and darre not keepe thair houses nor travell in the countrie, as hes beene represented to the saids Lords by ane commissi-

The saids Lords understanding that the peaceable and free passage quhilk thir sorneres hes frome the parts of thair abode throw the lands of diverse barons and gentlemen to thir parts of the in countrie of Murry encourages thame to hazard upon suche desperat and wicked attempts; and to the effect the saids barons and gentlemen use no pretext or culour for overseeing of thir lymmars for want of power and auctoritie to repress thair incursions and depredations, thairfoir the Lords of Secret Counsell hes givin and grantit an be thennour heirof gives and grants full power, auctoritie and commission, expresse bidding and charge to the persons particularlie underwrittin, thay ar to say, Sir Johne Grant of Freuchie, Sir Robert Innes of that Ilke, Hucheoun Ros of Kilrassack, Alexander Dumbar of Grange, Alexander Brodie of Lethame, Robert Dumbar of Burgie, M‘ James Campbell of Moy, Johne Grant, appearand of Ballindallach, M‘ Samuel Falconer of Kyncorth, Robert Leslie of Finnassie, Johne Inneis of Leuchars, Coline Campbell, sone to Sir James Campbell of Calder, James Sutherland, tutour of Duffus, M‘ David Steuart of Newtown and Walter Leslie of Glen, conjunctlie and severallie, to convocat his Majesteis lieges in armes and to pas, searche, secke and take all sorneres, brokin men and lymmars committing anie heirehips, depredatiouns, stouthreaffes wherether they may be apprehendit and to pas, follow and persew thame and to bring and exhibite thame before the shireff or other ordinair judge where they sall be apprehendit to underly thair deserved tryell and punishement; and incase it sall happen anie of the saids brokin men and sorneres for eshewing of apprehensioun to flee to strentths and houses, with power to the saids commissi-

ers to pass, follow, and persew thame, asseige the saids strentths and houses, raise fire and use all kynde of force and warrelie ingyne requisite for wining and recoverie of the same and apprehending the saids brokin men being therein; and if, in persute of the saids brokin men, they refusing to be tane and violentlie opposing the execution of this commissioun, it sall happen thame or anie being in companie with thame or within the saids strentths and houses and assisting thame to be hurt, woundit, mutilat or slaine, or anie other inconvenient to follow thereupon, the saids Lords declares that the same sall not be impute to the saids commissioners nor persons assisting thame in execution of this commissioun as crime nor offence and that they nor nane of thame sall not be callit nor accused thairfoir criminallie nor civillie be anie maner of way in tyme comming, exonering thame thairfoir and of all pane, crime and danger they may incurr therethrow simpliciter be thir presents; with power to the saids commissioners and suche as sall accompanie thame in execution of this commissioun to beare and weare hacquebutts and pistolets in the actuell execution of this commissioun and persute of the
said brokin men and sorners allanerlie and no otherways without pane
or danger to be incurred be thame therethrow in thair persons or goods,
notwithstanding quhatsomever acts and proclamationis made in the
contrare, wheresanet and all panes conteanit therein the saids Lords
dispenses be thir presents; and generallie all and sindrie others things
to doe, exerce and use quhilkis for execution of this commission of the
law and consuetude of this realme ar knowne to perteane: Firme and
stable halding and for to hald all and quhatsomever things sall be law-
fullie done heerin: And ordaings letters to be direct charging all his
Majestis lieges and subjects to reverence, acknowledge, obey, rise,
concurre, fortifie and assist the saids commissioners in all and everie
thing tending to the execution of this commissioun and to doe nor
attempt nothing to the hinder nor prejudice thairof, as they will answer
upon the contrare at thair perrell. This commissioun for the space of
ane yeere nixt after the day heirof to indure.”

“Forsameekle as it is understand to the Lords of Privie Counsell
that great numbers of sorners and brokin men of the Clangregour,
Clanlachlane, Clannannald and others brokin clans dwelling under the
Laird of McGregour, Patrik his brother, the Laird of Glengarrie, Allane
McEandwy and
his sonnes, and the Captane of
Clannannald, hes latelie verie heavilie infested and spoyled his Majestis
peaceable and good subjects dwelling in the countrie of Murrey by com-
mitting diverse heirships and depredationis upon thame, quhilkis have
been represented to the saids Lords by one commissioner direct frome
the bishop and the barons and gentlemen of the diocie of Murrey; and
whereas be the lawes of the countrie, acts of parliament and general
band the maisters and landlords of thir brokin lymmars and chiftans of
thair clans ar obliged to be answerable for thair good behaviour and for
all sorners and brokin men resorting to, fra or throw thair bounds with
heirships and depredationis; thairfor the saids Lords ordaings letters to
be direct charging the saids Laird of McGregour and his said brother,
the Lairde of Glengarrie, the Captane of Clannannald, Allane McEanedwy
and his saids sonnes, to comper personallie before the saids Lords at a
certane day to underly suche order anent the peace of the countrie and
restraining of the depredationis of the saids brokin men dwelling
upon thair lands or being of thair clans for whom they ancht to be
answerable be the lawes of the countrie, and tuicheing redresse to be
made be thame to his Majestis oppressed subjects of thair losses and
damages susteannie by the saids brokin men, as by his Majestis saids
lawes and acts of parliament sall be found necessar and expedient for the
good and the quyet of the countrie; and that they compeir personallie
to the effect foresaid under the pane of rebellion, etc., with certifica-
tioun, etc.”
Complaint by the bailies of the burgh of Dysert, as follows:—James Thomesone at the west end of the town of Dysert, "a verie turbulent and seditious fellow," having committed a number of insolencies against several of the inhabitants, for which he was censured by the complainers, lately on 7th February last assaulted William Hillock, one of the town officers, by striking him upon the head and face "with his neiff." For this he was challenged by Alexander Simsoone, one of the bailies, who attempted to apprehend him, but he "drew a whinger and thair-with invadit and persewit the bailie of his lyffe, bidding him cum over his marche if he durst for his hanging, and so in this presumtious maner appealed him to the combat." The pursuers compearing by Alexander Simsoone, bailie of Dysert, but the said James Thomesone not compearing, the lords ordain him to be put to the horn and escheated for his contempt.

This day John Tagart and William Armestrang, noltdrivers, appeared before the Lords of Secret Council, and being again examined anent the goods sold by Tagart in Falkland which he alleged he bought from William Armestrang and which were stolen from Griffon Wmkills of Harman in the county of Northumberland, the Lords find their evidence contradictory, but the evidence of Armestrang's guiltiness in selling the said goods to Tagart being "verie pregnant and apparent" they ordain him to be warded in the tolbooth of Edinburgh on his own expenses till the truth be further cleared and the stealers of the said goods discovered. They permit the said John Tagart to return home and attend to his own affairs as his Majesty's free liege.

Complaint by Sir Thomas Hope of Craighall, knight baronet, King's Advocate, and James Robesone at Brunstane Myne, the party griev'd, as follows:—In contravention of the laws forbidding the bearing of weapons and pistols, on 4th instant John Manick came under silence of night to John, Earl of Lawderdaill's mill, lately built at Magdalene Brig, and in a boasteous maner called for ludgeing." On being refused he attempted to take the life of the said James. "Haveing a musket in his hand," he "bendit up the dog thairof, presentit the same to the persewer avoing to shoot him throw the bodie therewith. But the said James be Gods providence haveing gottin in to him, take the gun from him. He then in a most furious maner made to his sword, drew the same, intendent to have slain the said James thairwith if some people had not happieli come by and stayed him." Pursuers and defender compearing, the latter accompanied by Alexander Watsone, merchant, as his prolocutor, who represented that this matter was presently in dependence before the Sheriff of Edinburgh and his deputes at the instance of the defendants, whom "the said James Robesone not onlie woundit in his bodie the tyme libellit but also robbed him of his purse and moneyes.
being thairin and of ane musket and rapper." To this it was replied that the said James Robeson and Robert and James, his sons, on being pursued on the 8th instant before the bailie depute of the lordship of Mussilburgh at the instance of their procurator fiscal for the alleged wounding and robbing of the said defender, were assailed therewith, as the rolnent of that court, being produced, proved. The Lords having heard parties and examined several witnesses, find that at the time mentioned the defender came to the pursuer's house accompanied by another soldier and having craveed lodging from the pursuer was told that "he had no part bot his barne where his shearers behoved to ly. The defender repliyt that albeit the persewer wer hanged he sould ly in the best bed of his hous, and his companion sould ly in the barn; and that thairafter they thretned to shoo with thair hacquebut at the persewers who happelie toile the same from him." They find nothing proved against the pursuer as to his robbing and wounding the defender who, if he received any wrongs procured them to himself, and that his weapons were justly taken from him. They there ordain the defender to be warded in the tolbooth of Edinburgh until to-morrow night.

Complaint by Katherine Moseman, widow of James Nisbet, burgess of Paisley, as follows:—Allan Lokhart, one of the bailies of Paisley, against whom she has some actions depending before the Lords of Session, maliciously to frustrate these caused her to be summoned before him upon "some forged quarrell," and because she did not appear fined her in £10 and threatened to imprison her. She therefore procured a suspension from the Lords of Session, which on returning home she showed to him; but he refused to acknowledge it, spoke most contumaciously of it, and ordered the officers and neighbours of the town to carry her to ward. The people, knowing how hardly the bailie had used her, refused to satisfy his unjust desire, whereupon he took a halbert out of an officer's hand and threatened her therewith, until, for fear of her life, she was forced to go to ward notwithstanding the suspension. Both pursuer and defender comparing, the Lords having heard parties and certain witnesses find the complaint verified and for his disgraceful contempt of his Majesty's authority they deprive the defender of his office of bailie of Paisley, declaring him incapable of the said office for three years to come; and their Lordships further fine him in £40 to be paid to the pursuer, and ordain him to pay the witnesses in the case, to every horseman £5, and every footman 40s., and to be imprisoned in the tolbooth of Edinburgh until he pay these sums and further until their Lordships release him.

Complaint by James Gibsone, advocate, as follows:—On 6th December, 1631, John Gordon of Ardlogie was put to the horn at his instance for not paying to him 330 merks, paid by the complainer as cautioner for Adam Gordon, iar of Ardlogie, son of the said John, and 500 merks due by the said Adam to the complainer himself, with due interest and
expenses; but he remains theret most proudly. The pursuer comparring but not the defender, the Lords ordain him to be charged to render his house of Arlogie and enter himself in ward within the castle of Blackness within fifteen days after being charged under the pain of treason.

Complaint by Barbara Blair, spouse of Oliver Fentoun in Wester Estravie, as follows:—The said Oliver has long behaved himself most inhumanely towards her, a "gentlewoman by whome he got the most part of his means, by stryking and wounding her shamefullie to the effusioun of her blood." On 24th May last, with a great rung he "gave her manie cruell straikes upon diverse parts of her bodie, raive the haire out of her head, shot her to the doores, and would not suffer her to keepe companie with him since that tyme in bed nor boord, for no other cause but becaus she wald not renunce her lyfrent to the said Olypher, and hes thereby suffered the gentlewoman to live in the qualitie of ane beggar this long tymie bygone, he in the meane tymie injoying her whole means; nather darre shoe go neir him to cohabit with him for feare of her lyffe quhillk he hes resolved to take." Charge having been given to the said Oliver, as party, and to James Fentoun in Wester Estravie and John Gardine in Coltoun, as witnesses, and the pursuer and defender both comparring, but not the witnesses, the Lords, after hearing parties, and finding that they cannot at present cohabit together, ordain the defender to pay to the pursuer £20 for her entertainment until 4th November next, until which day the Lords continue the discussion of the mutual complaints of parties, and also to produce that day the said James Fentoun, his son, and John Gardine, his servant, as witnesses, failing which they are to be put to the horn and their goods escheated for their contempt.

Supplication by the provost, bailies and council of the burgh of Dumfries, as follows:—Their Lordships having considered the great expense to which they have been put by the building and restoring of their bridge, which was almost entirely destroyed by the floods and stormy weather, and how that they had done it by themselves, though, if such a thing had fallen out in any other place or burgh in the kingdom, help would have been craved from the whole estates, and knowing to what further expense they must be for upholding their said bridge, on 17th July, 1627, granted them power to uplift for the space of seven years the following tolls and duties, which for many years past they have enjoyed and exercised, viz., of every pack passing along their bridge, 2s.; of every horse, 16d.; of every cow, 16d.; of every sheep, 2d.; of every lamb, 1d.; of every pack of skins, 2s.; and of every daiker of hides, 12d.; as also of every barque coming up the river towards their town, 13s. 4d.; and of every laden boat, 3s. 4d. The seven years have now expired, but the need for the impost to the end stated is as urgent as ever, for few weeks pass without something or other requiring to be
done to their bridge. They therefore crave that their Lordships would extend the time for such period as they think expedient. The Lords extend their former commission for the space of other seven years from the date of these presents.

Complaint by Robert Logane, merchant burgess of Edinburgh, as follows:—He has been charged at the instance of John and James Davidsone, jailors of the tolbooth of the Cannogait, to pay them £300 for furnishing of meat and drink to his brother, John Logane, during his being in ward there, and they intend to put him to the horn if he do not pay. Now, he is wrongfully charged, for he is in no way debtfull to his said brother, but, on the contrary, the said John is due to him £400; and as he was neither arrested nor warded at the complainer's instance, on no ground of law can he be burdened with the payment of his furnishings; but rather should Samuel Morresone, indweller in Leith, and Andrew Ker of Massindew, be required to pay the said amount, as they owe to the said John 3000 merks; and the decree of the Lords of Session upon which the charge is grounded is also given against them. Further, the sum charged is contrary to the terms of the said decree, which is in general terms, ordaining the complainer to pay such sums as after count and reckoning shall be found due; and he cannot be due more than one third of the sum claimed, seeing the said John, during the four months he was entertained by the said jailors, was dealt with but "sparinglie, haveinge onelie ane chopen of aill and ane loafe in the day; and since Yuile last they never furnished him so mucho as ane loafe of bread bot he wes interteaned be John Polwart all that tyme." Further, the said jailors were at one time content at the sight of the bailies of the Cannogait to accept £100 in full satisfaction of their claim. So, too, if this payment is imposed upon the complainer, he will be liable most unjustly to be brought in for paying the expenses of his brother at any time hereafter when in ward at other men's instance. Moreover, the decree of which suspension is now sought was granted on the ground that the complainer had in his hands all the means of the said John Logane, which is not yet proven, and therefore such decree is null, as nothing has been produced to show that the pursuer is debtor to the said John, and this will be verified upon discussion before the Lords of Session. And finally, the whole matter is one of collusion plotted by the said John Logane to whome the chargers have granted a backbond promising to hand over to him the surplus of the £300 after they are paid their outlays, which backbond is in the hands of Mr. Matthew Wemis, minister at Halyrudhous. For the truth of this he refers to the oaths of the chargers, to the account subscribed by the said John Logane and a later subscribed account which is in the hands of Henry Bannayte, bailie of the Cannogait, which shows that the debt to the chargers is not half of what they claim. The complainer, however, has consigned the sum of £300 in the hands of the Clerk of Privy Council to be given up
by him to the said jailors if their Lordships so ordain, and he therefore craves suspension of the horning. Charge having been given to the said James Davidsone, and pursuer and defenders [sic] compearing, the Lords, after hearing the parties and considering the productions, suspend the horning as craved, and ordain James Prymerose, Clerk of the Privy Council, to pay out of the £300 consigned in his hands to James Davidsone £120 for furnishing, bed and jailor fee of the said John Logane until 23rd August last, and to John Davidsone for the same £60, as in full of all that is due to them, receiving their discharges therefor, and to return the balance to the said Robert Logane.

Complaint by the said Robert Logane, merchant burgess of Edinburgh, in the same case, in which their Lordships ordained him to cite the foresaid Samuel Moresone and Andrew Ker, for the relief of the complainer in the foresaid claim. The pursuer compearing and also the said Samuel Moresone, who confessed that as cautioner for the deceased James Moresone, burgess of Edinburgh, he was due £100 for the Whitsunday’s interest of the foresaid 3000 merks, and that at Martinmas next there will be due another £100 for that term’s interest of the said sum which belongs to the said John Logane, the Lords in respect that there is no verification produced by Robert Logan’s being in debt to his brother, and that it is just and reasonable that the said John’s jailor fee be paid out of his own money, ordain Samuel Moresone to relieve the said Robert Logane of the sums before decreed against him for the said jailor fee, and that without prejudice of the assignation made to the said Robert Logane of the said sum of 3000 merks and interests thereof for a debt of 1000 merks and interests thereof due by the said John to the said Robert Logane.

Complaint by Thomas Lyndsay, merchant burgess of Edinburgh, as follows:—William Bannatynye of Core hous is at the horn at his instance for great debts, and contemns all legal process by hornings, captions, etc. The complainer accordingly summoned him before their Lordships to hear letters of treason granted against him, which, upon many promises by him of giving satisfaction to the complainer, were delayed, until their Lordships, finding that there was no sincerity in these promises, granted the letters, ordaining him to render his house, and enter himself in ward within the Castle of Blackness. These were executed against him in April last by Mr. William Dowglas, one of the macers of Privy Council, when the Laird of Corehouse’s wife delivered to the said macer the keys of the house, which he kept for a time and then locked the gates and brought the keys with him. But in mockery of his Majesty’s authority the said Laird of Corehouse has caused new keys to be made and he has entered into the said house again and now dwells there. The complainer has been at great expense in going to the utmost extent of the law, but the said Laird has not obeyed the letters of treason either in delivering his house or entering himself in ward, and so he ought to
be dealt with as a traitor to the terror of others to do the like. The pursuer compearing but not the defender, the Lords ordain his Majesty's Advocate to pursue the latter criminally before his Majesty's Justice as a traitor for disobeying the two charges of treason, but they supersede the outgoing of this decree until such time as Mr. William Dowgles shall have again required delivery of the said house and make report of the defendant's carriage and behaviour herein; and they ordain the said Mr. William Dowgles to go and require delivery of the said house, and to keep the same during the defendant's rebellion, certifying the said Laird of Corehous that if he disobey, this decreet shall be forthwith extracted and given to the pursuer.

The Lords of Council this day read and considered the letter sent to them by Robert Prestoun of Craigmoller to whom on 15th July last they granted commission for inspecting the ways and passages from the house of Mr. James Raith of Edmestoun to the kirk of Natoun which are in controversy between the said Mr. James Raith and Patrick Edmestoun of Wolmet. The letter sets forth that the said Laird of Craigmoller, for the better and more orderly conduct of the business, and the settling of the said differences, has thought it advisable to take the advice of David Prestoun of Quythal, bailie of the regality of Mussilburgh, William Murray of Natoun, Alexander Hay of Monkton, John Hill of that Ilk, and Mr. John Melvill, minister of Natoun, or as many of them as he may conveniently obtain and as will concur with him, as being unsuspect persons and such as best know "how that kirk rod and horse way to the churche hes beene used in all tymes past." The Lords allow him to do so, and to report to them what they determine and do herein, so that their decision may be authorised and take effect under the pains contained in the acts of lawburrows between the parties.

Complaint by Sir James Nicolson of Colbrandspeth and Katherine Nicolson, spouse of Alexander Gordon of Aberzeldie, as follows:

"After manie insolencies, unnaturl and violent wronges committed upon the said Katherine be her said spous," she was forced to summon him before their Lordships, who after careful consideration of the case took a very good course in justice between them by modifying to her "a little portion out of her husband's estate for enterteaning her and her children" during the time their Lordships thought meet to separate them. At that time her husband was resolved "to disherishe the compleaners children and to sell and put away his whole estate in defraud of thame," and to prevent this she was constrained by her brethren, for the standing of his house and for the welfare of her children, to go home with her husband so that they might obtain infestment of some part of his estate to his son; and her husband then faithfully promised "that he sould care that respective dewtie to the compleaner quhilk became ane husband to his wyfe," and "gave his band under his hand that he sould
never strike, hurt nor wrong her in her bodie," under a penalty of 2000 merks to be paid to the said Sir James, her brother, yearly for her maintenance during her life, the payment thereof to begin at the first term after such injury should be proved before their Lordships, and that by her own oath and deposition only. This bond has been repeatedly violated by the said Alexander Gordon, viz.:—On 15th October last "he fell out in manie opprobrious and disgracefull speeches agains her, thinking to have stired her up to anger agains him that therby he might have a quarrell agains her; bot, finding that her patience could not be tempted that way, he then in a great rage and furie addrest himselfe to her, resolved to have putt violent hands in her person were not he was stayed be a gentleman named Arthur Ros present for the time." Again, on 24th April last he "violentlie shot the compleaner to the doore, constrayning her therby to go beg her ludgeing for twa nights in one of her tenents houses, dureing quhill tymhe he battebed the poore servant woman that attendit her in her sicknes and shot her also to the doore." In May last, when she had returned home to his house of Ballogie, "he after his accustomed maner fell out in his rayling speeches agains her, threatening her to condiscend to anie thing he craved, and either to quyt him or renunce her conjunct fie, as formerlie he had urged her to doe, and to quyt her brethren or then to quyt him for ever." When she refused, "he then threatnd to cast her on a horse and to carie her bund to Aberzeldie, and if she preast to come away to compleane of her evill usage that he sould send twentie foure Hieland men in her way to wrong her, swearing manie execrable oathes that there was no sinne to kill her. And, she preassinge to come away to have sought some helpe in this her distresse and miserie, he came violentlie upon her, patt hands in her person till shëe sould give him the little money she had, and then he bade her go to the divell. And when he [sic] gave the money he would not give her so muche as a plaid to putt about her nor a sarke to putt on her backe, altho shoe intrettied him pitifullie to doe the same." Finally, while she stayed with him at Ballogie, he frequently withdrew himself from the house for twenty days at a time without leaving her so much as a penny to maintain herself and her five children, or any victuals in the house, so that they were brought to the extreme point of famishing, and she was forced to go with the children in her hand begging from some of the tenants who, though they had been previously discharged by the Laird to give her even a peck of victual, were so moved with pity at her distress that they gave her of their own meal. Mr. Robert Forbes, minister at Eycht, knowing her necessity and want, sent her some victual from his house, and has sometimes met her and the children going to the tenants' houses to seek meat, and sometimes he took her home to his own house. At last, she was forced to come away with two of her children and beg from her friends, "sieing that both in tyme of her chylbirth and ever since
she went home with him last, by abstracting of the ordinarie mentenance from her and her bairnes he had brought her to the poiyn of begging alreadie from his tenentes." Her husband having thus violated his band and incurred the penalty, she craves that letters may be directed against him for payment thereof. Charge having been given to the said Alexander Gordoun, and the pursuers comparring but not the defender, the Lords, having seen the bond referred to (which was registered in the Books of Counsell and Session), decern the defender to have incurred the penalty contained in the bond, and ordain him to pay the same yearly to the said Sir James Nicolson, beginning the first term's payment at Whitensunday next, 1635, and to continue the payment during the said Katharine's lifetime. The truth of the complaints was established by the oath and depositions of the said Katharine.

Complaint by Mungo Wright, cordainer, servitor to the Earl of Roxburgh, now indweller in Leith, as follows:—In July last he agreed with Thomas Davidsone, servitor to the Master of Forbes, to make their soldiers six pair of shoes of the best sort at 20s. per pair, or £6 in all, and having made the shoes, he brought them up to be delivered to the said Thomas Davidsone, when James Broun, cordiner, burgess of Edinburgh, came to him within the cellar of Thomas Martin in Edinburgh, and reft from him and took away the whole six pairs of shoes, and has kept them from him for the past ten weeks, though the pursuer is no way in debt to him, has never wronged him, nor usurped any privilege, seeing the said shoes were bought and sold within the Earl of Roxburgh's bounds. He is greatly injured thereby, being but a poor tradesmen living by his craft. Charge having been given to the said James Broun, and the pursuer comparring, also the defender, along with Mr. Alexander Guthrie, town-clerk of Edinburgh, in behalf of the provost, bailies and council of the said burgh for their interest, who pleaded that the defender had done no wrong in seizing the said shoes as the deacon and brethren of the cordiners of this burgh are warranted by their seal of cause granted to them by the provost, bailies and council of this burgh, and confirmed by the late King James, to seize and confiscate all unfreemen's work brought within this burgh to be sold "aff the monendayes mercat and outwith the said mercat, and which he has beene their custmodel practise past memorie of man"; and Mr. Alexander Guthrie desiring that the trial of this matter might be remitted to the Lords of Session, the Lords, after hearing parties, remit the case to the Lords of Session as judges competent thereto.

Complaint by Archibald Torrie of Bervick, messenger, servitor to James, Earl of Murray, as follows:—On 15th March, last Robert and Thomas Dunbar, sons of John Dunbar of Moynes, Alexander Byres in Moynes, John Lambkie in Miltonoun thereof, Andrew Wallace in Bruntoun, John Henrie in Boghoill, Alexander Fletcher and Andrew Nyttie in Alderne, Robert Fletcher in Blakhill, David Lowsoun and David Dunbar
in Craigheid, John McQuibben in Boghoill, James Wallace in Ryduitts, of John
Dunbar of
Moynes, and

and Alexander Strachan in Ersealt, were put to the horn at the com-

plainers instance for not entering into ward within the tolbooth of
Edinburgh until order should be taken with them for their insolence

against the complainer with forbidden weapons in the execution of his

office. Further, on that same day the said Robert and Thomas Dumbar

were put to the horn for not paying to him, each of them, 500 merks, as

the fine imposed upon them for the insolence foresaid. But they all con-

temn the said hornings, and they have resolved whenever they meet the

complainant to take his life. And although the said Robert Dumbar upon

some specious pretexts and informations of his innocence (which were

never verified, while the charges were fully proved) obtained from their

Lordships an immunity from warding, and a modification of the said fine
to 300 merks, on condition that he should pay this sum to the com-

plainant and find caution for his indemnity, as also for not intercommun-

ing with his brother Thomas, who keeps his house in Murray as a house of
war, furnished with powder, lead and other warlike provision, yet the

said Robert has obeyed this ordinance in no point, but, having obtained

a protection for selling his lands, and having got this done and also had

his protection extended to Martinmas, he has scorned and mocked the

complainant and passed home to Murray. Charge having been given to

the persons complained against and also to the said Robert Dumbar to

produce the said protections and see them annulled, and the pursuer
comparring personally, and Robert Dumbar appearing by Mr. Thomas
Nicolson, younger, advocate, his procurator, who produced a letter of

suspension, orderly proceeded, against the said horning in the case of
Robert Dumbar, the Lords assolzie him, but they ordain letters of treason
to be issued against the other defenders, none of whom compared, for
rendering their houses, and for entering themselves in ward within the
castle of Blacknes, within fifteen days after being charged so to do.

Complaint by Mr. William Rutherford, son of the deceased
Rutherford, merchant, and Jerome Peirie, his tenant, as follows:—On
30th July last, he obtained a decree before the Commissioners for Sur-
renders and Teinds against John, Lord Bamerinoch, tacksman of the

Teinds of the parish of Restalrig, giving warrant to the complainant to lead
the Teinds of his forty-three and a half acres of land within the said
parish for this present year, 1634. Of this decree the complainant
caused make intimation at the Castle gate of Edinburgh to the said Lord
Bamerinoch on 21st August last. Yet, this notwithstanding, Dame Anna
Ker, Lady Bamerinoch, and James, Lord Cowper, accompanied by about
thirty persons, came on Monday last, early in the morning, at the insti-
gation of Lord Bamerinoch, to that part of his acres called the Southbrae,
and before the corns had been fully sheared entered to the leading of the
Teinds. On information of this reaching the complainant he went to
them and showed his warrant and instrument of intimation, desiring them
to desist, and when they refused, he endeavoured to stop them from fill-
ing their sleds, but "they putt violent hands in his person, and held him-
till they tooke away seventene thraive and seven sheaves of whet." Again, on the 11th of the same month, while the complainer was teind-
ing his corns upon the back of the brae, the said Lady Bamerinoch, accom-
panied by 120 persons armed with swords, lances, and forks, came at the
instigation of the said Lord Bamerinoch tumultuously upon the com-
plainer, and would not suffer him to lead his teind but threatened to
"fell him and his servants cold deid if they teindit anie, and then
violentlie reft thrie threave and a stouke of qhieit and carried the same
away." Further, that same day, when the complainer had lawfully
teinded the corns of Jerome Peirie, indweller in the Querrell Holles, his
tenant, by virtue of his said warrant, upon which the said Jerome had
taken instruments, the said lady and her accomplices came upon the
honest man as above, and, although he showed her the said instrument,
they violently teinded his corn over again and took away "threitten
thraive and a stouke of qhieit." Charge having been given to the said
Lord Bamerinoch and Dame Anna Ker, his spouse, and the pursuer com-
paring personally, and also the said Lady for herself and on behalf of her
said husband, the Lords assozite the defenders, because the said Lady
produced before their Lordships an act of the Commissioners for the
Surrenders and Teinds dated 15th June, 1632, by which they declared
and ordained that the heritors of the Maynes and feu acres of Restalrig
should not have the benefit of leading of their teind until they made a
particular division of the true and constant worth of the teind rent of
every one of their proportions, and her Ladyship affirmed that this had
not yet been done. And in respect hereof the Lords further continues
the said Lord of Bamerinoch in his possession of the leading of the said
teinds and discharges the pursuers from all meddling therewith until the
matter be discussed by the Commissioners foresaid.

Complaint by Marion Murdoch, spouse of Charles Murray of Banhowrie, and her said husband, for his interest, as follows:—Paul
Redick of Bancheyne, having obtained a decree before the Steward of
Kirkcudbright and his deputys against the said Charles Murray for
removing from the lands of Banhowrie, Murray raised an action of reduction
thereof before the Lords of Session, but, while the case was in hearing,
the said Paul "went home in great anger; and upon the 24 of Julij
last came to the ground of the saids lands, and finding Johne MceNeish the
complainers servant there, he, with a great baton prepared for the
purpose, strake him betweene the shoulders to the ground. 'And upon
the morne thairafter he came to the saids lands and drave away violentlie
af thairof twenties head of bestiall belonging to the complaner. And,
becaus the said Marion Murdoch, the complaners wyff, wes taking
backe tua milke ky of the said bestiall for the present use of her children,
the said Paul, for this onelie caus, with ane great square battoun gave
the gentlewoman one cruel wound upon the forehead wherewith he dang in her harnpan, to the great effusion of her blood, so as she fell downe deid to the ground and lay a long tyme a swound, and the said Paul himselfe with the violence of the stroke fell also to the ground.” The pursuer comparring personally and also the defender, the former for proving her averments produced a rolment of the Steward Court of Kirkcudbright, dated 29th July last, when the said Paul, being prosecuted for this assault by the procurator fiscal, confessed “the stryking of the said Marion upon the neise and face with a stalve.” The said John M"Neish referred for proof of the assault upon him to the defender’s oath of verity, who thereupon confessed the deed, for which great insolence against the pursuers the Lords ordain him to pay to the said Marion £100 for the wrong done to her, and further they commit him to ward within the tolbooth of Edinburgh until they release him.

The Lords of Council, considering that Griffon Wmkills of Harnam has only received five of the eight oxen bought by John Tagart, knight by John Tagart, knight driver, from William Armestrang, and sold by him at Falkland, the Lords ordain the said John Tagart to find sufficient caution to the said Griffon for paying him fifty merks for each of the three oxen yet amiss; Griffon Wmkills, their original owner, with right of suing repetition from William Armestrang of such further sums as these three oxen shall be found to have been worth when they were sold to him; as also they ordain him to find like caution to James Hairle in Fakland, James Sibbald in Bowsalie and James Lachreisch in Baquhorne (who bought some of the said oxen from Tagart and from whom the said Griffon has recovered the same) for repayment of the prices he received for them.

Complaint by Mr. James King, advocate, and Marion Hart, his spouse, as follows:—They have put Mr. John Oliphant, portioner of Brouchtoun, advocate, to the horn for not paying 3300 merks for which he became cautioner for Sir James Oliphant, his brother, and thereafter they raised letters of caption against him for charging the bailies of Edinburgh to apprehend and ward him until he should pay 1300 merks as the balance of the foresaid sum; but execution thereof was stayed by the production of a protection granted by their Lordships to him, though at the same time the complainers showed to the said bailies a writen undertaking signed by the said John on 16th January, 1634, that he would not make use of any protection obtained by him in this matter without their special consent thereto. Both pursuers and the defender appearing and having been heard, the Lords ordain the said Mr. John Oliphant to give security to the pursuers before 8th January next that he will pay the said sum of 1300 merks to them at the term of Whitsunday, 1636.

Complaint by Mr. John Dickson, Margaret Thomsone, his spouse, and Edward Dickson, their son, as follows:—On 6th September last they were on the ground of the lands of Fuiries for peaceably drawing their teind, when Thomas Drysdaill, herald in Leith, Thomas Drysdaill,
baker, James Mershell, messenger, William Dowglas in Leith, and others, Decrets, November 1634. April 1635. followed the complainers, who, fearing assault caused James Bisset messenger, charge them with letters of lawbourses. Notwithstanding of this, however, they assailed the complainers, violently hindered them in their teinding, hurt and wounded them with many “bauch and blae” strokes, “dang thame over their sleds backward to the ground and with klubbis, stalvis, kents and rungis strake and birsed the said Edward Dickson on the head, face and armes to the effusion of his blood.” Charge having been given to the persons complained upon and pursuers and defenders all comparing and having been heard, the Lords assizlie the defenders, because the proof being referred to the evidence of witnesses, the complaints were not substantiated.

This day Edward Dickson, son of Mr. John Dickson in gave his bond of caution under the penalty of 100 merks that he would not molest Thomas Drysdale, herald, otherwise than by order of law.

“Ane commissiou past and exped to certane gentlemen aganis rebellis and brokin men, sorners upon the Laird of Fendraught and his servants.”

“Ane signature anent the correction house, past and exped.”

“Ane act anent John Tagart and William Armestrang, nolt dryvers, quherby Tagart is warranted to goe home and Armestrang committed to waird.”

“The Lords ordains John Tagart to find cautioin to Griffon Wmkells for payment of the soume of fiftie merkes for everie ane of the said Griffon his three oxin bought be him from William Armestrang and sauld in Falkland and quhlks three oxin the said Griffon hes not receaved backe agame, as alsua ordains him to find cautioin to the gentlemen in Eyffe for payment to thame of the prices receaved be him frome thame for Griffon Wmkells oxin quhlks he hes receaved backe agame; and the saids Lords reserves to the said Griffon actioun aganis the said William Armestrang for recoverie from him of suche soumes of money as his oxin sall be found to have beene worth more nor the prices receaved be John Tagart.”

Sedent — Privy Seal; Wintoun; Wigtoun; Annerdaill; Melvill; Master of Elphinston; Advocate; Sir Robert Gordon; Sir James Baillie.

“Anent the erection of the lordship of Torphichen. The Lords of Secret Counsell continewes the advising of the process anent the erection of the lordship of Torphichin with the defences, answeres, replies, duplyes and triplyes givin in hinc inde heereanent be the Lord Torphichin and his Majesteis Advocat till a more frequent meeting of the Counsell upon the fort of November nixt, quhairof the said Lord Torphichin and his Majesteis said Advocat, being personallie present, ar warned apud acta.”
Complaint by James Spence, merchant burgess of Edinburgh, as follows:—When auditors were appointed for the hearing of his accounts with William Thomeson, their Lordships declared that upon their reporting his diligence in the matter they would extend his protection. He drew up his accounts and gave them to James Robeson, burgess of Edinburgh, to be delivered to the auditors, “but they being ignorantly miscarried they came to William Thomeson’s hands who after he had read and copied the same till the time of hearing of the same was past, and by so doing, as the supplicant is informed, he has purchased and testified under the hands of the auditors of the supplicant his postponing and not using of diligence.” He intends thus to hinder the hearing of the accounts and frustrate the granting of his warrant, although he obliged himself not to do so until 17th November next, as an act of adjournment shows. Charge having been given to the said William Thomeson, who.compared personally, the pursuer comparing by Alexander Watson, merchant in Edinburgh, his procurator, and parties having been heard, the Lords continue the pursuer’s protection until 4th October next, provided that within forty-eight hours he give up his accounts to the auditors; and if the auditors report to the Clerk of Council the pursuer’s diligence in this business, they authorise the clerk upon their desire to extend the pursuer’s protection to the 4th of November.

Supplication by Griffin Wmkills of Harnam, in the county of Northumberland, as follows:—On 10th October last ten oxen were stolen from him, eight of which were sold at Fakland, and the other two, one red-coloured, and the other black, with a white flank and four white feet, were sold to Andrew Clerksone at Blaigburne mylne, as the supplicant has only recently learned, so that he could not formerly convene him before their Lordships. He now craves that warrant be granted to John, Lord Torphichen, to cite the said Andrew Clerksone before him and examine him as to his acquisition of these oxen, test the same, if they be yet in his possession, and if they are found to agree with those stolen from the supplicant to cause them be delivered to him; or if the said oxen have been sold to any others, to deal with them in like manner; or if the oxen be dead to cause the said Andrew to deliver to the supplicant such price as he received from the buyers for them. The Lords grant warrant as craved.

Supplication by John Arskyn, burgess of Monroes, as follows:—He is very desirous to pay his debts by selling his lands, and he would accomplish the satisfaction of his creditors thus if he had opportunity of going about the country in safety to bargain with gentlemen of quality about them, and obtain the advice of lawyers. He therefore craves their Lordships’ protection. This the Lords grant until 1st January next.
"The lyke protection grantit to Patrick Fleeming in Bellochan and
John Fleeming in Biggar to Yuile nixt, and to James Crawfurde till the
first of Januar nixt."

"The quhill day the rolls of the justices of peace wer perused and
allowed and ane signature past and exped thereanent."

"The whilk day the whole commissions for the Justices of Peace wer
ordained to be renewed, and choise wes made of the persons particularie
underwrittin to be justices of peace within the bounds of the shirefdomes,
stewartreis and bailiereis underwrittin, they ar to say:—

EDINBURGH PRINCIPALL.—The Lord Chancellor, the Archbishop of
St. Andrews, the Lord Thessaurar, the Lord Privie Seale, the Lords of
Secretie Counsell and Session, the Erle of Lothiane, the Erle of Dalhowsie,
the Bishop of Edinburgh, the Lord Cranston, the Lord Forrester, the
laird of Innerleith, Sir William Nisbitt of Deane, William Dick of
Braid, Henrie Nisbit, portioner of Restalrig, Sir Thomas Thomason of
Duddingston, Sir James Hamilton of Preistfield, James Rig of Car-
barrie, David Prestoun of Qhythill, Alexander Hay of Monkton, Mr
James Raith of Edmiston, William Murrey of Natoun, the laird of
Lugton, the laird of Craigmiller, the laird of Nidrie, Mr George Win-
rahame of Libbertoun, Mr Robert Cas of Fordell, the laird of Rosline,
Sir John Nicolsoun of Lesuade, Sir John Murrey of Philiphauche, Sir
Patrik Hamilton of Little Preston, James Pringill of Torson, Mr Simoun
Ramsay of Qhythill, the laird of Haltoun, the laird of Dalmahoy, Sir
Lewes Lawder of Adistoun, the laird of Colintoun, the laird of Ridhall,
Launcs Scot of Bavela, Adame Cuninghame of Wodhall, Johne Cow-
per of Gogar, Sir Thomas Hope younger of Grantoun, Mr Johne Cant of
Lauriston, Mr William Adamsoun of Craigruck, Mr Thomas Young of
Leny, Mr David Mitchell, minister at Edinburgh, Mr William Wishart,
person of Restalrig, Mr Andro Lermouth, minister at Libbertoun, Mr
William Maxwell, minister at Stow, Mr Mathow Wemes, minister at
Halyruthous, Mr William Coline, minister at Crandm: The laird of
Lugton, conveenner.

CONSTABULARIE OF HADINTON.—The Lord Chancellor, the Archibishop}
of St. Andrews, the Lord Thessaurar, the Lord Privie Seale, the Lords of
Counsell and Session, the Bishop of Edinburgh, the laird of Fawside,
the laird of Prestoun, the laird of Gosfur, the laird of Salcoite, the laird
of Wauchtoun, George Home of Furde, Mr John Hepburne of Gilmert-
toun, Mr John Hepburne of Smetoun, Sir Patrik Murrey of Elibank,
the laird of Adistoun, Sir Johnne Seatoun of Barns, Johne Sinclar of
Steinstoun, the laird of Kilspindie, the laird of Roucha, the laird of
Qhittinghame, the laird of Colstoun, the laird of Hirdmistoun younger,
the laird of Ornestoun, the Laird of Elphinston, Sir William Seatoun,
Mr Robert Balcanquall, minister at Tranent: Sir Patrik Murrey,
conveenner.
BERWICK.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Bishop of Edinburgh, the laird of Wedderburne, the laird of Blacader, the laird of Swintoun, the laird of Langtoun, Johne Home of Rentoun, Johne Ramsay of Edingtoun, Sir George Ramsey of Wyliecleuch, Sir Alexander Nisbit of that Ilke, Sir Patrik Home of Ridbraes, Sir James Dowglas of Mordingtoun, Sir James Nicolson of Colbrandepeth, Johne Wilkie of Foulden, M’ Alexander Belseis of Tofta, Robert Dowglas of Blaikerstoun, Johne Stewart of Coldingham, James Cokburne of Rysla, the laird of Cokburne, Christopher Cokburne of Chousy, James Rentoun of Billie, Captane James Hay of Quhiteome, George Achineleck of Cunledge, M’ Joseph Johnesont of Hiltoun, George Broun of Thornidykes, Peter Home of Harcars, the laird of Gradin, George Trotter of Printonane, Home of Rowistoun, Robert Edyer of Wedderalie, Robert Dickson of Buchtrig, Johne Gaits minister and Bonkilly, M’ Christopher Knolls, minister at Coldting, M’ Johne Clapperton, minister at Ednem, M’ Alexander Kinner, person of Quhitesom, M’ Thomas Ramsay, minister at Foulden: James Cokburne of Rysla, conveener.

ROXBURGH.—The Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archibishop of Glasgow, the Lords of Counsell and Session, Sir William Dowglas of Cavers, Sir William M’Dougall of M’ Karstoun, Sir Walter Riddell of that Ilke, Sir James Pringill of Smailholm, Johne Rutherford of Huntill, Johne Turbull of Minto, Gilbert Elliot of Stobs, Johne Ker appearand of Lochtour, Robert Pringill of Stitchell, Robert Elliot of Fawnesh, William Dowglas of Bonjedburgh, M’ George Dowglas appearand therof, Sir Thomas Ker of Gaitside, Andro Ker of Lintoun, Andro Ker of Gradin, Sir Thomas Ker of Cavers, Andro Ker of Broomland, Andro Ker of Massindew, Walter Veitch of Northswintoun, George Rutherford of Farintoun, Andro Ker of Roxburgh, Johne Halyburton of Murros, Johne Halyburton, fear therof, James Pringill of Buchholme, M’ Thomas Forrester, minister at Melros, M’ Walter Scot, minister at Cassiltoun, M’ Thomas Bennet, parson of Anerum, M’ Robert Knox, minister at Kelso, M’ Francis Harvie, parson of Yetton: the said Sir William Dowglas, conveener.

SELKIRK.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archibishop of Glasgow, the Lords of Secret Counsell and Session, Sir Johne Murray of Philhauche, Sir William Scot of Harden, Sir James Murrey of Falaheel, Hew Scot of Gallscheillis, George Pringill of Torwodlie, James Pringill of Cadounlie, Andro Riddell of Hayning, M’ Robert Elliot, younger of Stofo, Robert Scott of Dryup, Francis Scot of South Sintoun, Johne Murray of Sundhope, Robert Elliot of Fallineshe, Robert Scot of Hartwodmyres, James Pringill of Quhitybank, Andro Ker, shirreff deput of Selkirk: the said laird of Harden, conveener.
PEEBLES.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie
Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the
Lord Yester, the Laird of Blackbarrony, the Laird of Dawick, the Laird
of Skirline, the Laird of Rachans, the Laird of Romanno, the Laird of
Smithfeild, the Laird of Horsburg eastar, Cranstoun of Glen,
Scoat of Hundillishope, Burnet younger of Barns, the
Laird of Hinderland, the Laird of Posso, the Laird of Caiderono, Sir David
Murray of Stanshops, Jonas Hamilton of Quotquot, Mark Hamilton
of Neather Urd, M' James Lawson of Carnmure, Malcolm Inglis of Mener-
heid, M' Theodor Hay, Archdeane of Glasgow: the said M' James
Lawson, convenner.

LANERK.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie
Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the
Marques of Dowglas, the Laird of Minto, Sir Archibald Stewart of
Castlemilk, the Laird of Torrens, the Laird of Carh . . . . , the Laird
of Blanterferme, M' James Mureheid of Bredithoms, the Laird of Hags,
M' James Baillie of Carnnrow, Johne Hamilton of Orbistoun, the Laird
of Halhill, the baillie of Monkland, the Laird of Saksene (?), the Laird
of Ardrie, the Laird of Kipbye, the Laird of Lauchyng younger, the Laird
of Clelland, the Laird of Murdestoun, the Laird of Allantoun, the Laird
of Udstoun, Sir James Somervell of Cannethan, the Laird of Rolpoch, Sir
James Hamilton of Trowythill, Robert Hamilton of Milburne,
Hamilton of Dalsere, Hamilton of Gardin, the Laird
of Calderwod, M' Thomas Dalyell of Johnestoun, the Laird of Lee elder
and young, Lindsey of Belstane, the Laird of Blakwod,
the Laird of Carmichell, the Laird of Stanebyres, Robert Baillie of
Wolston, the Laird of Hillis, the Laird of Prestane,
Inglis of East Sheill, Weir of Cloburne, Baillie of St. Johnskirk,
the Laird of Coulteraws, the Laird of Balkie, the Laird of Glaspen, the
baron of Carstairs, the Laird of Lamington, M' James Hamilton, Dean
of Glasgow, Doctor Walter Quhystfurd, sub-deane, M' Robert Hamilton,
minister at Lesmahagow, M' Johnie Strang, principal of the college of
Glasgow: the said Laird of Minto, convenner.

DUMFRIES.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie
Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the
Erle of Nithdaill, the Erle of Quenisberrie, the Lord Hereis, the
Lord Dalyell, the Laird of Lag, Robert Crichtoun of Ryhill, Duncan
Hunter of Ballaggan, James Dowglas of Mortoun, M' Samwell Kirk-
patrik of Achinleck, Thomas Kirkpatrik of Cloisburne, Johne Roome of
Dawintoun, the Laird of Amisfield, Sir John Maxwell of Conhaith,
Edward Maxwell of Yle, Robert M'Brair of Almigill, Archibald Maxwell
of Cowhill, Robert Maxwell of Portarack, Johne Maxwell of Gribtoun,
Johne Dalyell of Newtoun, Johne Wilsoun of Croglen, Johne Dowglas
of Killivarran, Williame Ferguson of Craigdaroch, Stevin Lawrie of
Maxweltoun, Mr Thomas Ramsey, minister at Dumfreis, Mr Johne McMillan, parson of Sanquhar: the said laird of Lag, conveener.

Stuartrie of Annerdale.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessionioun, the Lord Johnstoun, Robert Maxwell of Dinwiddy, Robert Charters of Bodisbek, James Douglas of Moussell, James Johnstoun of Thornik and Corheid, Murrey of Dumcrieff, Edward Johnstoun of Ryhill, Robert Mc'Brair of Alunigill, Andro Murrey of Moriquhat, Mr Johne Alexander, parson of Hoddom, Mr George Buchanan, parson of Kirkpatrik juxta, Johne Richartsoun, stewart clerk of Annerdale: the said Robert Charters, conveener.

Wigtoun.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessionioun, the Erle of Cassillis, the Bishop of Galloway, Sir Patrik Agnew of Lochnaw, Sir Johne Mc'Douall of Garthland, Androw Agnew of Cultis, Alexander Mc'Douall of Logane, Uthrid Mc'Douall of Frewche, Johne Gordoun of Barskeoch, Johne Mc'Culloch of Ardwell, Johne Murrey of Broughtoun, Andro Mc'Douall of Killaister, Hew Gordoun of Grange, Alexander Gordoun of Auchlaine, Gilbert Neilson of Craigcaffie, Alexander Stewart of Fisgill, Patrik Vaus of Lybrack, William Agnew of Cloack, William Baillie of Blairshinnoch, Johne Kennedie of Knockdaw, Mr Gilbert Powre, minister at , Mr Abraham Henderson, minister at Quhitterne, Mr Alexander Hamilton, minister at : the said Johne Murrey of Broughtoun, conveener.

Steuartrie of Kirkcudbright.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessionioun, the Erle of Nithsdail, the Bishop of Galloway, Sir Patrick Mc'Kie of Lurg, James Chalmers of Gatgirth, Johne Broun of Carsluith, Johne Foulertoun of Carletoun, William Gordoune of Kirkconnell, Johne Gordoun of Cardines, William Greirson of Bargaltoun, Thomas Mc'Clellan of Chappeltoun, Johne Maxwell of Newlaw, Thomas Liddisdaill of Yle, Johne Lennox younger of Cailie, James Lindsey of Wauchope, Robert Lindsey of Maynes, Johne Maxwell of Hillis, Johne Glendonning of Partan, William Glendonning of Laggane, George Glendonning of Mochrum, Mr Gilbert Gordoun of Schirmers, James Gordoun brother to Troquhair, Alexander Gordoun of Erleestoun, William Mc'Adam of Waterheid, Johne Maxwell of Threemerkland, Johne Broun of Mollance, Harbert Maxwell of Kirkconnell, Johne Stewart of Allans, Lancelot Greirson of Dalskey, Mr Gawin Maxwell, minister at Kirkandres, Mr James Scot minister at Terregles, Mr James Irving, minister at Partan: the said James Chalmers of Gatgirth, conveener.

Linlithgow.—The Lord Chancellor, the Archbishop of St Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessionioun, the Erle of Abercorne, the Bishop of Edinburgh, the Lord Torphichin, the laird of Dundas, William Drummond of Rickartoun,


KYLESTUART.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Lord of Lowdoun, Sir Hew Wallace of Craige, Sir William Cuninghame of Caprintoun, James Chalmers of Gattghirn, Johne Foulerton of Dreghorne, David Blair of Adamton, David Dunbar of Enterkine, Mathew Wallace of Dundernald, William Stewart of Harlig, Harie Stewart of Barskimming, Johne Foulerton of Corsebeie, Allan Cathcart of Brounhill, William Wallace of Smeithstoun, William Wallace of Elderslie, William Wallace of Preistickeslaw, M' William Cuninghame of Brounhill; the said laird of Caprintoun, convener.

CARICT.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Session, the Erle of Cassillis, the Erle of Carict, Thomas Kennedie of Ardmillen, Hew Kennedie younger thereof, Johne Mure of Achindrainie, Sir John Hamilton of Bargane elder, M' Rawfe Weir of Bennan, William Montgomery of Brigend, Gilbert Neilson of Craigcaffie, Robert M'Alexander of Corseelayes, Sir Alexander Kennedie of Culzeane, Hew Kennedie of Drummellane, David Kennedie of Garrihorn, M' James Bonar of
1634.

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Cunninghame—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Eglinton, the Lord Sempill, the Lord Lowdoun, Bryce Blair of that Ilke, Sir Bryce Blair younger thereof, Sir William Cunninghame of Cuninghamheid, Sir William Mure of Rowallan elder and younger, Johne Crawford of Kilibirie, Neill Montgomerie of Langschaw, Sir David Cunninghame of Robertland, Sir Robert Montgomerie of Skelmurie, Robert Montgomerie of Hessilthead, Alexander Cunninghame of Corsehill, John Fraser of Knock, Johne Boill of Kelburne, Patrik Schaw of Kelsoland, Robert Fairlie of that Ilke, Alexander Cunninghame of Waterston, Robert Boyd of Portincroce, Hew Ker of Kersland, Johne Dunlop of that Ilke, Gabriel Porterfield of Haipland, James Cunninghame of Aiket, William Hamilton of Broumure, Johne Montgomerie of Cokilbie, William Dunlop of Craig, James Mure of Thornetoun, Johne Hamilton of Grange, John Crawford of Crawfordland, M' Gawin Blair of Aldmure, Robert Barclay of Perstoun, David Blair younger of Adamstoun, Robert Ferguson of that Ilke, Alexander Cunninghame of Montgrenan, Thomas Neving of Monkredding, James Scott of Clonbeith, M' Gawin Hamilton of Ardoch, Patrik Crawford of Auchnames, M' William Wallace, minister at Kilmarnock: the said Bryce Blair of that Ilke, conveener.

Dumbarton—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Montrose, Walter M'Aawlay of Ardincaple, John Naper of Kilmahew, William Sempill younger of Foulwod, Johne M'Farlan of Arroquat, Umphra Nobill of Ardardane, Umphra Colquhoun of Balvie, Sir Archibald Dowglas younger of Maynes, John Bontein of Ardoch, Arturhe Darleith of that Ilke, Andro Stirlin of Law, Robert Colquhoun of Ballarnik, Mungo Lindsey of Bonyll, Johne Dennistoun of Dalquhorsie, Hew Crawford of Cloberhill, Mr George Lindsey, minister of Bosnethe: the said Laird of Ardincaple, conveener.

Buter—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun,


Perth.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Montrois, the Erle of Atholl, the Vicount of...

**FORFAR.—**The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Brechin, the Lord Ogilvie, the Lord Gray, the Lord Spynie, the Lord Cowper, Sir Johne Scrimgeour of Duddope, Sir Johne Carnegie of Ethie, John Areskine of Dun, Sir Alexander Carnegie of Bonimun, James Scrimgeour appearand of Duddope, David Grahame of Fintrie,


**PERTH.**—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privy Seale, the Lords of Counsell and Sessioun, the Erle of Montrois, the Erle of Atholl, the Vicount of

FORFAAR.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Bishop of Brechin, the Lord Ogilvie, the Lord Gray, the Lord Spynie, the Lord Cowper, Sir John Scrimgeour of Duddope, Sir John Carnegie of Ethie, John Areskine of Dun, Sir Alexander Carnegie of Bonimun, James Scrimgeour appearand of Duddope, David Grahame of Fintrie,


Perth—The Lord Chancellor, the Archbishop of St. Andrews, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sesioun, the Erle of Montrois, the Erle of Atholl, the Vicount of

FORFAR.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurator, the Lord Privie Seale, the Lords of Counsell and Sessiouin, the Bishop of Brechin, the Lord Ogilvie, the Lord Gray, the Lord Spynie, the Lord Cowper, Sir Johne Scrimgeour of Duddope, Sir Johne Carnegie of Ethie, John Areskine of Dun, Sir Alexander Carnegie of Bonimun, James Scrimgeour appearand of Duddope, David Grahame of Fintrie,

ABERDEIN.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thessaurar, the Lord Privie Seale, the Lords of Counsell and Session, the Marques of Huntlie, the Erle of Dunfermline, the Bishop of Aberdeen, the Bishop of Murrey, the Lord Forbes, the Lord Pitsligo, the Lord Fraser, the Maister of Forbes, Sir Alexander Irving of Drum, Sir Alexander Gorthoun of Clunjy, Sir William Forbes of Monymusk, Thomas Crombie of Kennay, Thomas Areskin of Balhaggartie, Mr Robert Gordon of Straloch, Sir George Johnstone of that Ilke, Johne Leslie of Boquhen, Johne Leslie, yonger of Pitcaple, Johne Forbes of Leslie, Alexander Seaton of Pitmedden, James Crichtoun of Fendraught, William Seaton of Medlrum, Mr Patrik Maltlan of Achincroif, Johne Gordoun, yonger of Buckie, Alexander Udnie of Ochterellon, Turing of Foverne, Johne Seaton of Mynnes, William Forbes of Tolquhen, Walter Forbes of Thainstoun, George Gordon, yonger of Geicht, Sir William Keith of Ludquharne, Johne Keith of Clakriachie, Alexander Fraser, yonger of Phillorth, Thomas Fraser, yonger of Streachin, Johne Hay of Cremondmogat, Robert Irving of Fedderat, Alexander Keith of Balmure, Mr James Buchan of Auchmacoy, Donald Ferquharson of Monaltrie, Robert Ferquharson of Finzeane, William Coutts, younger of Auchertoull, Alexander Skeene of that Ilke, George Gordon, younger of Tillichowdie, Alexander Abireromy of Pitmedden, Patrik Leith of Quhythauche, Magnus Mowat of Boquhullie, Walter Barclay of Towie, George Baird of Auchmedden, Sir Alexander Hay of Delgatie, Sir James Gordoun, elder of Leasoir, Sir William Forbes of Craigiewar, James Cheyne of Arnage, William Seaton of Scheathin, Alexander Strauchane of Glenkindie, Johne Gordoun of Innermerkie, George Gorthoun of Coelarachie, Patrik Urquhart of Lethintie, William Seaton of Udnie, Mr Robert Bissat of Lessendrum, Meldrum of Hiltoun, Alexander Lyoun of Muresk, Mr David Lindsey, minister at Belhelvie, Mr Johne Ros, minister at Birs, Mr Adame Barclay, minister at Aforth, Mr William Strauchane, minister at Daviot, Mr Thomas Mitchell, minister at Tureff, Mr Thomas Berers, minister at Lowmay, Mr Patrik Guthre,
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minister at Logybuchan, Mr Robert Hamilton, parson of Botarie, Mr William Milne, parson of Glas, Mr William Douglas, minister at Forge: the said Laird of Drum, convener.

BAMF.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, George, Marquess of Huntlie, James, Lord Ogilvie, James, Lord Desfurde, Patrik, Bishop of Aberdeen, the Bishop of Murrey, John Gordon, elder and yonger of Bucky, George Hay of Rannas, James Hay of Maldovat, Alexander Abircrembie of Birkinboig, Harie Gordoun of Glassauche, George Ogilvie of Halyairds, Thomas Abercoromby of Skeith, Mr George Leslie in Cullen, Sir George Ogilvie of Bamff, Robert Wilson of Brakanhillis, George Mortimer of Achenbadie, James Crichtoun of Fendracht, Berold Inneis of Knokreith, Sir George Ogilvie of Carnowsseis, Walter Halket at the milne of Rothemay, Alexander Ogilvie of Kemp-carne, Alexander Adamsoun of Brakie, Thomas Inneis of Pethnick, George Baird of Auchmedden, Patrik Giblyn of Kilminitie, John Ogilvie of Milnetoun of Keith, Alexander Ogilvie of Knock of Strathyla, Robert Spence of Tuolloch, George Gordoun, elder and yonger of Baldornie, Alexander Gordoun of Birkinburne, Sir Robert Inneis of Balvenie, Adame Duff of Drummure, John Stewart of Ardbraack, Johne Gordoun of Innermerkie, Patrik Stewart of Kinmauchline, Sir James Gordoun of Lesmore, Brandane Baird of Northfeild, Walter Grant of Findoun, of Auchintoull, Mr John Logie, minister at Ruthven, Mr William Forbes, minister at Mortlack, Mr John Stewart, parson of Abirlour, Mr Joseph Brodie, parson of Keith: the Laird of Birkinboig, convener.

ELGINE AND FORRES.—The Lord Chancellor, the Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Seafort, the Bishop of Murrey, the Lord Lovat, the Laird of Inneis, Mr John Inneis of Cokstoun, Alexander Inneis of Coitits, Johne Inneis of Leuchars, Robert Leslie of Finrassie, James Sutherland, tutor of Duffus, Thomas M’Keinzie of Pluscardin, Patrik Dumbar of Westertoun, Mr John Hay, commissar of Murrey, James Spence of Kirkton of Alves, Mr Gavin Dumbar, chantor of Murrey, Patrik Grant of Elcheis, Mr William Cumine of Earnside, James Dumbar of Boig, Alexander Dumbar of Grange, Robert Dumbar of Burgie, Niniane Dunbar of Grangehill, Alexander Brodie of Eastgrange, Tuolloch of Tannahie, Mr Samwell Falconer of Kinorth, Dumbar of Dumphail, Robert Dumbar of Easterburne, Huchecoun Ros of Killraack, William Ros, his brother, David Hay of Park, Patrik Grant of Ballindallach, Johne Grant, fear thairof, Mr John Guthre, parson of Duffus, Mr Johne Brodie, deane of Murrey: the said Robert Leslie of Finrassie, convener.

NAIRN.—The Lord Chancellor, the Archbishop of St Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and
Sessioun, the Bishop of Murrey, Johne Campbell, fear of Calder, Hucheoun
Ross of Kilraack, Alexander Dumbar of Westgrange, David Hay of
Lochloir, Johne Sutherland of Kinstarie, William Ros of Clava,
Hay of Kinwiddie, Colin Campbell of Clunes, Dollars of Cantra:
the Baron of Kilraack, conveener.

INVERNESS.—The Lord Chancellor, the Archbishop of St Andrewes, the
Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and
Sessioun, the Marques of Huntlie, the Erle of Seaft, the Bishop of
Murrey, the Bishop of Ros, the Lord Lovat, Sir John Grant of Frewchie,
Hucheoun Ros of Kilraack, Patrik Grant of Ballindallach, Johne Grant,
appearand thairof, M’Intoshe of Borlum, lauchlane M’Intoshe of
Callachie, Alexander M’Intoshe of Aldgowrie, Alexander Baillie of
Duneane, Thomas Fraser of Streachin, Hew Fraser of Cubokie, Thomas
Fraser of Strow, Hew Fraser of Balladrum, Alexander M’keiny of
Garloch, Alexander M’Keiny of Coull, Sir Johne M’Keiny of Tarbet,
Rorie M’Keiny of Rideastell, John M’Keiny of Fairbarne, Sir Johne
Gordoun of Embo, David Ros of Pitcaulnie, Walter Ros of Innercharron,
Sir Donnald M’Donnald of Slait, Johne M’Cloud of Dynvegane, M’Angus
M’Intoshe, parson of Kingsussie, M’Willian Clogie, minister at Inverness,
M’Patrik Durhame, deane of Ros, M’George Monro, chancellor of Ros,
M’David Monro, minister at Killerne, M’Murdo M’Keiny of, minister
at Dingwell, M’Fergushar M’Gie (?), minister at Kintail, M’Donald
Clerk, minister at Lochchales: the Laird of Streachin, conveener.

SUTHERLAND AND STRATHNAVER.—The Lord Chancellor, the Archbishop
of St. Andrews, the Lord Thesaurar, the Lord Privie Seale, the Lords of
Counsell and Sessioun, the Erle of Sutherland, the Bishop of Caithness, Sir
Johne Gordoun of Embo, Oliver Gordoun of Drummoy, Hew Gordoun of
Ballone, Robert Murrey of Spainyedail, Robert Gray of Suardail, Robert
Gray of Creich, Walter Murrey of Pitgrudie, John M’Ky of Dilrett,
Hew M’Ky of Ekell, Donnald M’Cleod a’kies Neilson of Assint, Robert
Monro of Assint, Robert Monro of Teonowar, Hector Monro of Findoun,
M’Johne Gray, minister at Dornoch, M’Alexander Monro, minister at
Culmaly, M’James Gray, minister at Clyne, M’James Thomson, minister
at Loch, M’Johne Sutherland, minister at Rogart, M’David
Monro, minister at Stroniteit, Alexander Monro, minister at Durnes: the
said Sir Johne Gordon of Embo, conveener.

CAITHNESS.—The Lord Chancellor, the Archbishop of St. Andrewes, the
Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and
Sessioun, the Erle of Caithness, the Bishop of Caithness, the Lord and
Maister of Berridell, James Sinclair of Murkill, the Laird of May, elder
and yonger, Alexander Sinclair, brother to the said Laird, the Laird of
Dunbeith, the Laird of Fors, elder and yonger, Johne Sinclair of
Scrabister, William Inneis of Sansett, M’Johne Sinclair of Ulbister,
Patrik Mowat of Swinzie, M’William Abirnethie, minister at Thurso,
M’Andro Ogston, minister at Canesby, M’William Smith, minister at
Durnet, M' John Smart, minister at Weik, M' John Monro, minister at 
Ree, M' David Monro, minister at Lathorne: the laird of May, elder, 
convener.

ZETLAND.—The Lord Chancellor, the Archbishop of St. Andrewes, the 
Lord Thesaurar, the Lord Privie Seal, the Lords of Counsell and 
Sessioun, the Bishop of Orkney, James Sinclar of Quendaill, James 
Sinclar of Scalloway, M' James Mowat of Garth, M' Patrik Cheyne of 
Vola, Patrik Umphra of Sand, James Sutherland of Steill, Laurence 
Sinclar of Broch, John Giffart of Wedderla, M' Gilbert Mowat, mode-
urator of the presbyterie of Zetland, M' William Umphra, minister at 
Brassay, John Adamson, minister at Nesting: the said James Sinclar of 
Quendaill, convener.

Followes the tennor of the commission for the justices of peace :— Form of the 
Our soverane lord ordains ane letter to be made under the great seal in 
dew forme, makand mentiou that quhar his majestie's darrest father of 
eternall memorie, with advice of his estaits conveened in the Parliament 
baldin at Edinburgh in the moneth of Junij, 1609, upon diverse great and 
weightie considerations importing the peace and quyet of the countrie, 
statute and ordained that within everie shirdef dome, stewardie and 
bailerie of this kingdome choise soould be made of some godlie, wise and 
vertuous persons of good qualitie, moyen and report making their resi-
dence within the same shires, stewardies and bailieries, to be commis-
sioners for keeping his majestie's peace, as in the said act of Parliament 
at lenth is conteanit; conforme to the quhilk choise being made at that 
time of some selecte persons for eache shirdef dome, stewardie and bailierie 
to be commissioners for keeping the peace within the same, numbers 
of the persons so selected and choisin ar since that tyme departed this lyfe 
and others upon diverse interveening occasions hes removed thameselfes 
out of the countrie, quherethrow that good and worthie course sett doun 
be the Estats of Parliament for keeping of the peace hes beene thir 
diverse yeeres bygane neglected. Quhereupon our soverane lord and his 
Estats conveened in the Parliament baldin at Edinburgh in the 
month of Junij, 1633, not onlie ratified and approved the act of Parlia-
ment foresaid made be his Majestie's darrest father and his Estats anent 
the erecting of commissioners and justices of peace in the haill heids, 
clauses and articles thairof, bot hes givin warrand to the Lords of Privie 
Counsell for enlarging and amplifieing the power and auctoritie of the 
said justices of peace, as in the said act of Parliament at lenth 
is conteanit. Thairfoir the King's Majestie, with the advice of the Lords 
of Privie Counsell, hes made and constitute and be the tennour heirof 
makes and constitutes the persons particularlie underwritten, dwelling 
and residing within the shirdefdomes, stewardies and bailieries particularlie 
afterspacefeit, they ar to say, etc., conjunctlie and severallie his Majestie's 
justices and commissioners for keeping of his Majestie peace within the 
bounds of the shirdefdomes respective abonewrittin and the provests and
bailleis of the burrowes and touns within the saids shires, stewartreis and bailleries and everie one of thame within the bounds of thair awne offices and jurisdictions, his Majestie\'s justices and commissioners to the effect underwittin, lykeas his Majestie with advice of the saids Lords be nominat, ordain and constitute and be the tennor heirof nominat, ordains and constitutes the persons respective following to be keepers of the rollis within everie shirefdome, stewartrie and bailerlie, that is to say, etc., quhilks persons, keepers of the saids rollis, ar to nominat ane clerk to putt in forme and register the haill acts, writts and letters concerning the execution of this commissioon; givand, grantand and committand unto thame conjunctlie and severallie within the bounds of the saids haill shirefdomes, stewartreis and bailliereis full power, auctoritie and commission, expresse bidding and charge to oversee, try and prevent all suche occasions as may breid trouble or violence among his Majestie subjects or forcible contempt of his Majestie auctoritie and breake of his Majestie\'s peace within the saids bounds, and to command all persons in thome they sall see manifest intentioun to make trouble ather by gadderig togidder ydle and disordered persons or by publick bearing and wearing of haquebuts and pistolets and others forbiddin wepauns and suche other swaggering and ryotous behaviour to bind thesameffis and find cautioun under competent soumes to observe his Majestie\'s peace and for thair compearance before the Lords of his Majestie Secret Counsell or before the Justice to underly suche order as sall be found convenient for punishment of thair transgressiouns or staying of trouble and inimitie; and, if neid be, to take, apprehend and committ to waerd all wilfull and disobedant persons, authors, committers and fosterers of the saids crimes and to require the dewtiull and obedient subjects within the saids bounds to concurre with thame in preventing of all suche attempts and violence or for taking and warding of the saids wilfull and disobedant persons, authors, committers and fosterers of the saids crimes; ordaining heiby the saids commissiouns to give trew advertisement and information to the Lords of Secret Counsell, Justice generall and his deputis, his Majestie\'s Thesaurar and others his Majestie\'s magistrates and officers, whome it effeiris, of the names of suche faithfull and unsuspect witnesses and assise to be summound in all crymes and disorders whiche sall happin to fall furth within the saids bounds as sall be found most meit and able for tryell and probatioun of the same, and for eschewing of suche as ar ather aged, sicklie or unable to travell or ignorant of the facts to be tryed be not unjustlie vexed or unneccessarie drawin from thair awne houses and affaires for maters quharin they ar not able to give anie light; and generallie all and sindrie others things to doe, exerce and use quhilks ar requisite and necessar for the executioun of this commission and according to the instructiouns sett doun heeranent; firme and stable halding and for to hald all and quhatsumever things sall be lawfullie done heerin. And that the said commissioun be
extendit in the best forme with all clauses needfull, with command in the same to all his Majestie's lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortific and assist the saids commissioners conjunctlie and severallie in all things tending to the execution of this commission as they and ilke ane of thame will answer to his Majestie and the saids Lords upon their obedience at their highest charge and perrell; and that thir presents be ane warrand to the great seall without anie forder precepts to be direct heurupon, and to indure during his Majestie will and pleasure and ay and quhill his Majestie speciallie discharge the same. Givin at Edinburgh, the 18 day of September, 1634."

[The same commission is also given in Latin.]

[No Sederunt recorded.]

"The whilk day, in obedience and conforme to ane warrand grantit be the Lords of Secrct Counsell to Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, for receaving of Sir Robert Greirson of Lag knight, his oath for discharge of the offices of stewart principall of Annerdaill for the yeere to come and conveener of the justices of peace within the shirefordome of Dumfreis, compeired personallie the said Sir Robert before the said Erle of Hadintoun and accepted upon him the said office of stewart principall of the said stewartrie and conveener of the justices of peace of the said shirefordome of Dumfreis and gave his oath for the faithfull discharge of the saids offices."

"The whilk day in presence of Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, compeired personallie Robert Forbes of Reresse, conveener of the justices of peace within the shirefordome of Fyfe, and accepted upon him the said office of conveener and gave his oath for the dewtfull discharge thairof."

"The whilk day, in obedience and conforme to ane warrand grantit be the Lords of Secrct Counsell to Thomas, Erle of Hadintoun, Lord Privie Seale of this kingdome, for receaving of the oaths of Sir Patrik Murrey of Elibanke, knight, shireff principall of the shirefordome of Hadintoun for the yeere to come, and conveener of the justices of the peace within the said shirefordome, and of Walter Cornwall of Bonhard, shireff principall of the shirefordome of Linlithgow, Sir Johne Dalmahoy of that Ilke, shireff principall of the shirefordome of Edinburgh, and Sir William Scot of Harden, shireff principall of the shirefordome of Selkirk for the yeere to come, compeired personallie the saids Sir Patrik Murrey, Sir Johne Dalmahoy, Sir William Scot and Walter Cornwall before the said Erle of Hadintoun, and accepted upon thame the offices respective foresaid and gave their oathes for their dewtfull discharge of the said offices."
Edinburgh, 2nd October 1634.

Charge to Patrick Edmonston of Wolmet to appear before the Council for having defied the advice of the Earl of Winton who had been appointed to report on a dispute between the said Patrick and David Preston of Whitehill anent a wall between their respective coalheughs.

"Forsamekle as upon information made to the Lords of Secrete Counsell of some appearance of trouble likelie to have fallin furth betuixt David Preston of Quhythill and Patrik Edmonstoun of Wolmet upon occasion of the said Patrik his working of a marche and seinzie wall interjected betuixt the said Patrik his coale and the said David Preston his coaleheuchie, by the working and piercing whairof the said David Preston his coaleheuchie wes in danger to be drownned to his particular losse and prejudice of the publict, the saids Lords directed thair missive letter to the Erle of Winton desyryng his lordship to conveene the parteis interested before him and to take tryell of the allledged wrong done be the said Patrik Edmonstoun in working of the said seinzie wall and of the prejudice that might follow thereupon to the said David Preston. According whereunto the said Erle, having callit the parteis before him, repaired to the bounds, entered within the said Wolmet his heuchie, and having carefullie considerit the estait thairof and of the said Patrik his course of working within the same, the said Erle fand the right of that part of the said Wolmet his coaleheuchie towards the east and northeast to be questionable and that the said Patrik his working therein would assuredlie endanger the said David Preston his coaleheuchie; quhereupon the said Erle, in the power and auctoritie of a Counsellor and according to the warrant direct to him for that effect, commandit the said Patrik Edmonstoun to forbear all forder working in that part of his said heuchie till the differences and questions standing betuixt him and the said David Preston sould be cleered by the arbitrament and appointment of some indifferent gentlemen to be chosin be either partie for that effect; quhereunto the said Patrik Edmonstoun promised all dewtifull obedience and the said Erle rested satisfied with his promise, nowayes doubting that he sould have committed anyting to the violation thairof. Notwithstanding, the saids Lords ar informed that the said Patrik Edmonstoun that same verie night that the said Erle had sighted the heuchie and required the said Patrik to forbear working at the said seinzie wall entered his men to worke therein and ar still working thereat in contemp of the said Erle his charge and commandement, being a Counsellor, and to the said David Preston his apparent losse and irrecoverable overthrow of his heuchie if the said seinzie wall sall be pierced; whiche being ane high and proud contemp in the person of the said Patrick Edmonstoun, and the mater itselze, as it is questionable in the point of right so being verie considerable for the publict in the consequence thairof, the Lords of Secrete Counsell ordains letters to be direct charging the said Patrik Edmonstoun personallie, if he can be apprehendit, and failyeing thairof at his dwelling hous and coaleheuchie foresaid to desist and ceasse from all working upon the marche of the said heuchie and water sinke of the same ather toward the east or north till
the right thairof be deyld before the judge ordinar under the pane of fuyv thousand merkes, certifeing him, if he faile and contraveene, that he saill be callit before the saids Lords and upon tryell thairof saill be deyld to have incurred the said pane of fuyv thousand merkes, and letters saill be direct agains him for payment of the same in forme as effeiris; as alsua to charge the said Patrik to compeir personallie before the saids Lords upon the fourth day of November next to underly suche order as saill be prescryved unto him anent his orderlie working in the said merche and seinzie wall, and forder to anser upon his proud contemt and disobedience of the Erle of Wintoun his charge and commandement, and to heare and see suche order tane thereanent as appertaneus, under the pane of rebelliu, etc., with certification, etc."

The Lords having granted protection to James Spence on 18th September last upon certain conditions then stated, and the auditore having by a certificate under their hand testified that he has duly and timeously delivered his accounts to them, has attended their diets, and received the accounts given in by the said William Thomeson, to which he is ordained to answer, they now continue his protection until 4th November next.

"The Lords of Secret Counsell, with consent of William Thomeson, merchant burges of Edinburgh, and James Spence, also merchant there, give and grants full power and commission be thir presents to John Fleeming and Johne Binning, auditors nominat be the saids Lords for hearing of the saids William Thomeson and James Spence thair accompts, to nominat and make choice of some Indifferent and neutrall persons of judgement and experience for appretiating the goods being in the said William Thomsons hands and acclamed be the said James Spence sometyme to have belonged to him."

Sederunt—Bishop of St. Andrewes; Privy Seal; Wintoun; Wigtoun; Tracquar; Naper; Binning; Advocate; Sir James Baillie.

"Forsamekle as albeit by two severall acts of Counsell and proclama-
tions published thereupon all the subjects of this kimgdom wer prohibite to sell tobacco after the xv day of September now bygane without licence from his Majesteis commissioners and fermorers of tobacco, notwithstanding his Majestie is informed that certain refractarie persons, sellers of tobacco, having wilfullie neglected the tyme foresaid allotted unto thame and being obstinately averse from admitting his Majesteis ordinances, doe seek to frustrat his Majesteis service by delays, pretending that the tobacco whiche wes formerlie in thair hands is not yitt dispatched, altho they have had sufficient tyme to doe the same; and thairfoir his Majestie, with advice of the Lords of his
Secret Counsell, ordains the proclamations and acts formerlie made anent tobacco to stand in full force according to the tennour that was. And for the more easie tryell of the contraveenners of the saids proclamations his Majestie, with advice of the saids Lords, gives and grants power and commisson to the shireffs of the shires and provests and baillies of the heid burrowes within the same in the option of the saids fermerors to call and convene before thame all and smidrie persons, contraveenners of the saids proclamationouns, within their severall jurisdictions, and to proceed to their tryell by oath or witnesses and accordinglie to decerne aganis thame; with power to the saids shireffs and provests and baillies within burgh to fence and hold court for this effect and to create officers and members of court neidfull, and all others things to doe thareanent qhilks in suche caises ar usuaill and necessair; and ordains letters to be direct to make publication heirof be opin proclamation at the mercat croes of the heid burrowes of this kingdom and others places neidfull, quherethrow none pretend ignorance of the same. Followes his majesteis missive for warrant of the act abonewritten.—CHARLES R.—Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellers, we greit yow weill. Whereas by this inclosed petition, as yow will perceave, there ar some things desired by the petitioners for advancement of our service committed to their trust, our pleasure is that yow give thame your best assistance according to their desires so farre as justice may permitt, and that no toleration be granted to the sellers of tobacco derogatory to the proclamations alreadie past. So not doubting of your care heerin we bid yow farewell. From our honnour of Hampton Court, the second of October, 1634."

"The Lords of Secret Counsell continewes the advising of the processse anent the erectionoun of the lordship of Torphichin till Thursday nixt."

[Sederunt as recorded above.]
the provost and bailies of Irving are acting. Still they have found caution in the Books of Secret Counsell to receive the said measures if their Lordships find that they ought to do so, under the penalty of 500, and, therefore they crave suspension of this horning. Charge having been given to James Scot of Clowbeith, provost of Irving, Alexander Cunyghame of Collennan and Mr. John Pblee, bailies thereof, and the said John Boyd comparing for himself and Robert Hog, but none of the defendants comparing, the Lords suspend the letters of horning as craved.

Complaint by the bailies, council and inhabitantes of the burghs of Cowper, Anstruther and Craill, and the parishioners of Kiliinnick, as follows:—"There hes beene a common hie broad way and passage frae the burgh of Cowper to the townis of Anstruther and Craill and to the parish foresaid and diverse other parts upon the cost syde of Fyffe, and this way wos ever acknowlgedit to be his Majesteis common hie way and passage till latelie that Maister David Methven for Craigtonn hes, at his awne hand, without anie lawfull warrant, cassin a great sheuche and biggit up the passage foresaid with a great dyke of stane and falloum that part of the said passage qhilk gois throw the said Maister David his land; so as there is no passage that way for men or horse, but his Majesteis subjects are constrained to go farre about to their extreme hurt and prejudice; and when anie of the compleaners people or servants preisseth to come that way he shamefullie and unhonestlie persewis thame of their lyves, hes dung and strakin sundries of thame and threatneth all suche as preisses to come that way of their lyves." Charge having been given to the said Mr. David Methven, and he comparing along with Mr. John Paip, younger, advocate, as procurator for the pursuers, the Lords, after hearing parties, remit the matter to the Lords of Council and Session.

The Lords having been informed that trouble was likely to arise between David Prestoun of Quhythill and Patrick Edmestoun of Wolmet upon occasion of the said Patrick's "workeing of a seinzie wall interjected betuix the said Patrick Edmestoun his coale and the said David Prestoun his coal heuch by the workeing and peirteing thairof the said David his coal heuch was indangerd to be drowen to his particular losse and prejudice of the public," they directed a missive to George, Earl of Wintoun, desiring him to convene the parties before him and take trial of the alleged injury. Accordingly the said Earl, having called parties before him, went "to the bounds, entered within the said Wolmet his heuch and havinge carefullie considerit the estate thairof and of the said Patrick his course of workeing within the same, the said Earle fand the right of that part of the said Wolmet his coale heuch toward the east and noeast to be questionable, and that the said Patrick his working thairin would assuredlie indanger the said David Prestoun his coalheuch." The said Earl, therefore, in the capacity of a
Privy Councillor, in terms of his warrant, "commandit the said Patrick Edmestoun to forbear anie forder workeing in that part of his said heuch till the differences and questionis standing betuix him and the said David Prestoun sould be cleered by the arbitration and apointment of some indifferent gentlemen to be chosin be either partie to that effect." To this the said Patrick promised all dutifull obedience. Yet the Lords are informed that the same night he "entered his men to worke thairin and are still workeing thereat," in contempt of the said command, and to the apparent loss and irrecoverable overthrow of the said David Prestoun's heuch. Charge having been given to the said Patrick Edmestoun of Wolmet, who compeared, as did also the said David Prestoun, the Lords, after hearing parties, remit the trial of the "workeing of the merche and seinzie wall libellit" to the Lords of Council and Session, but reserve to themselves the punishment to be inflicted upon the defender if it shall be found that he has no right to work in the said bounds; and in the meantime they ordain him to find caution in the Books of Privy Council in 5000 merks that he will not prosecute the work further until the right be discussed, in addition to the payment of the damage he may do thereby to the said David Prestoun; and also for obeying the decreet of the Lords of Session if it should be given against him.

Complaint by John Bairdie of Selvedge, vassal and feuar to Thomas, Earl of Hadinton, as follows:—He was recently cited before the bailies and council of Innerkeithing for production of the titles of his lands of Cruiks lying beside the burgh of Innerkeithing, but he obtained on very good reasons letters of advocation from them to the Lords of Council and Session. Having been on October cited of new to appear before the said bailies, he appeared before them along with John Murray, messenger, as procurator for him, and showed them the letters of advocation, giving them also a copy thereof, and took instruments thereupon and upon the discharge thereof of their proceeding. But not only did they ignore these letters and proceed in the case, but they fined him 100 merks in addition to three fines formerly decreed against him, and further committed him to ward within their tolbooth. When the complainer took instruments in the hands of their clerk, and protested for remed of law, craving extracts, the bailies "imperioslie discharged the clerk to give out anie extract, and as yitt keepes and deters the compleiner in ward." Charge having been given to James Bairdie and William Blaigburne, bailies of Innerkeithing, and to George Durie, clerk there, and the pursuer comparing personally and producing the foresaid letters of advocation with an instrument taken at Innerkeithing on 28th October last under the hand of George Durie, notary, bearing that notwithstanding the production of these letters and discharge given thereby the said bailies fined and imprisoned the pursuer as stated; and the said William Blaikburne and James Bairdie being also present, and as repre-
senting George Durie, their clerk, whose inability to travel on account of his old age was certified by a testimonial signed by Mr. Robert Roche, minister at Innerkeithing, which they produced, the Lords, after hearing parties and examining the documents, find that the said bailies have done wrong in fining and warding of the pursuer, and admonish them to forbear the like unlawful procedure in time coming, discharging them from all proceeding against the pursuer in this matter, and from uplifting any fines from him for that cause. The Lords excuse the non-compearance of George Durie, and ordain the pursuer and the said William Blaikburne to find caution in 500 merks in the books of Secret Council for each other's indemnity.

Complaint by Francis Brunton, procurator in Glasgow, and Donald Campbell, merchant there, for his interest, as follows:—On 19th August last, while the complainer was “procuring before the provost and bailies of Glasgow” for the said Donald Campbell, who was defender in an action against him by Ninian Gilhagie, merchant in Glasgow, and when he had “proposed some defences for the said Donald, the said Ninian, fretting thairat, in opin face of court, being accompanied with James Padie, his sone-in-lawe, shamefullie rayllled upon the said procurat, calling him mensworne, with manie other contumelious speeches.” And the said James Padie came to him standing at the bar at the instigation of the said Ninian, repeated his opprobrious speeches and gave the complainer a cruel stroke with his foot on the leg, birsing and bruising it. Further, when on the 26th of that month the complainer rode out of Glasgow toward Calder to attend the Laird of Kelburne and his lady, the said James Padie and John Anderson, both burgesses of Glasgow and sons-in-law to the said Ninian, at the said Ninian’s instigation, lay in wait for him all the way from Glasgow to Calder to take his life. At last the said James “stayed his hors at the braes of Calder till the complainer came to him and or ever he wes awar the said James shamefullie strake the complainer on the face with his hand and falded neiss to the effusion of his blood.” The complainer then fled back to Glasgow him, for fear of his life, and these two persons followed and overtook when, after upbraiding him with opprobrious speeches, they “with thair falded neiss or some great rungs strake him on the eyes, face and nose to the great effusion of his blood, dang [him] backward aff the horse quhere he stuke to the strips under the horse bellie, his face being to the ground and wes trailld throw dubbs and myres be ane quarter of ane myle and had died under the horse wome untill at last the strip brake and the horse left the complainer wallowing in his blood; and being brought home he wes so swelled that his wife, seeing so pitifull a spectacle parted with chylde.” Charge having been given to the said John Andersoune and Ninian Gilhagie, and pursuer and defenders comparing and they and witnesses having been heard, the Lords find that John Andersoun assaulted the pursuer “and gave him a cuff,” for which they fine him
£20, to be paid to the pursuer, but they assoislie the other defender against whom nothing was proved. They further ordain John Andersoun to pay to each of the witnesses £4 before to-morrow at 12 o'clock, otherwise to pay the double.

Sederunt—Privy Seal; Erroll; Winton; Wigtoun; Roxburgh; Tracquair; Bining; Naper; Clerk of Register; Advocate; Sir James Baillie.

Anent the petition of the burghs that the pearl-fishing should be open to all the lieges and that Robert Buchan should be deprived of his patent for the pearl-fishing.

"Anent our soverane lords letters raised at the instance of the commisioners for the burrowes of this kingdome, makand mention that where they, having diverse tymes and last at the late Parliament petitiouned the Kings Majestie anent the prejudice and harm susteanned by the burrowes by conferring the power and priviledge of fishing and taking of pearle within the rivers of this kingdome in the person of one privat person whiche could be communicat and be commoun to all, especiallie to the merchants of the free royall burrowes, his Majestie, after dew consideration of the compleaners petition and of the equitie and justice thairof, was gratiously pleased to give signification to the Lords of Privie Counsell of his Majesteis royall will and pleasure that all patents or acts made for the ingrossing of the said privileg in the person of one sall be discharged and libertie granted to all his Majesties subjects, especiallie the free burrowes, to fish pearle in all the rivers of this kingdome at their pleasure. And whereas Robert Buchan, burges of Aberdein, is the person who upon sinister information hes ingrossed the sole and full libertie of taking of pearle to himselfe, necesser it is for the better formalitie and order of proceeding that he be warned before his Majesteis Counsell to heare and see his Majesteis royall will and pleasure intimat unto him. And anent the charge givin to the said Robert Buchan to have compeird personallie before the Lords of Privie Counsell this present sext day of November instant to have brought, presentit and exhibite with him the patent or quhatsomever acts, warrands or priviledges gratit to him anent the taking and selling of pearle to have beene seene and considerit be the saids Lords and to have heard and seene the same discharged and libertie gratit to all his Majesteis subjects, especiallie the free burrowes, to fishe and take pearle in all the rivers of the kingdome at their pleasure, or ellis to have shawn a reasonable caue why the same sould not be done, with certification to him and he faiyied the saids Lords would discharge and grant libertie in maner foresaid, lykes as mair lenth is conteant in the saids letters, executions and indorsations thairof; quhilks being callit, and the said perseweirs compeirand be John Sinclar, merchant burges of Edinburgh, Robert Taillyeour, burgess of St. Andrewes, Johne Sempill, provest of Dumbartane, and Lumsden, baillie of Aberdein, with Mr Alexander Guthrie, toun clerk.
of Edinburgh and clerk to the burrowes, and the said defender com-
peirand be Mr. Roger Mouat, his procurator, the reasons and allega-
tions of the parteis present being heard and considerit be the saids
Lords and they advised therewith, the Lords of Secret Counsell
continewes the advising and discussing of this mater untill the first
counsell day of Marche nixtocome, quhariof the parteis present ar
warned *apud acta.*

"The whilk day the signature underwrittin, signed be the Kings
Patent for
Majestie in favors of Patrik Mauld of Panmure anent the making of
thirty-one
soape, being presented to the Lords of Privie Counsell and read in
years granted
their audience, and Mr. Nathaniel Udwart being callit for his interesse
*to Patrick
and heard thearean, the saids Lords past and exped the said signature
Mauld of Pan-
ordained the same to be insert and registrat in the bookes of Privie
mure for
Counsell, of the quhilk the tennour followes;—CHARLES R.—Our
making soap—
Soveraine Lord considering how necessar it is for the good and benefite
the said patent
of his Majestie ancient kingdome that the same be furnished with
*to begin on
good soapes at reasonable prices within the selfe, and his Majestie
the expiry of
understanding that there wes a patent grantit be his Majestie father
that held by
of happie memorie to Mr. Nathaniel Udwart of the sole making of soape
Nathaniel
within the kingdome for the space of twentie one yeeres, whairof theair
Udwart.
is not manie yeeres to rin, and his Majestie considerind that the said
libertie of making soape is not a trade of such a nature as can be com-
mercisit to all his Majestie lieges and that the publict sould suffer if
communicat to
the samine wer left indifferenttie to all, and that in this caise the choisie
him his Majestie
of the person perteanes to his Majestie as a part of his soveraine preroga-
understanding
тив; and his Majestie being willing to provide for the continuance of the
for his Majestie
said worke and to bestow libertie of making soape upon one of his
proovin servants who hee power and abilitie to undergo the
Majestie approvin servants who his power and abilitie to undergo the
same, and his Majestie understanding that his Majestie daylie servant,
Patrik Mauld of Panmure, is willing to undergo the said warke and
to provide for all necessars for continewing the same to the good of the
said servant after his Majestie, with advice and consent of the Lords
kingdome; thairfoir his Majestie, with advice and consent of the Lords
of his Majestie Secret Counsell of the said kingdome, ordinys ans letter
to be past under his Majestie great seale giving and granting, lykewise
of the said kingdome
his Majestie be thir presents gives and grants, to the said Patrik Mauld of
soape for washing of cloathes of all suche cullours and quantitie as they
Panmure, his airis and assigneyes, thair servants, deputys and others in
sall thynke good and to sell the same to his Majesties lieges; with power
t heir names,during the space of threttie one yeeres, the onelie sole and full
to thame for this effect to bring strangers for making of the said soape
licence and libertie to make and caus to be made within the said kingdome
and to employ thame or the natives of the kingdome therein, as they sall
soape to washing of cloathes of all suche cullours and quantitie as they
thynke good and to sell the same to his Majesties lieges; with power
to thame for this effect to bring strangers for making of the said soape
and use all things
and set up workes and to doe and use all things
quhils may bring that interprize to a good perfection. And if it sall
fall out that they cannot convenientlie gett the whole soape that sall
happen to be made to be solde within that kingdome, power is heirby givin unto thame to transport the same furth of the kingdome where they sall think meit and to sell and dispone thereupon at thair pleasure; paying thairfoir his Majesteis custome dew to be payed for the soape brought within the kingdome: Charging heirby all others his Majesteis lieges and subjects and all strangers, except suche as sall be imploied be the said Patrik Mauld of Panmure and his foresaid, that nane of thame presoome nor take upon hand to make anie soape within the said kingdome nor to doe nor attempt anie other thing to the hinder and prejudice of the said Patrik Mauld of Panmure and his foresaid in this particular bot to suffer and permitt thame peaceablie and freellie to bruike and injoy the benefite of this his Majesteis patent and privileidge during the said space of threttie one yeeres, as they and everie one of thame will answer to his Majeste and his Counsell upon the contrarie at thair highest charge and perrell, and farder under the pane of confiscation of the haill soape that sall be made be thame againis the tennour and prejudice of this his Majesteis privileidge and patent. And for the furtherance of the said worke his Majeste, with consent foresaid, gives and grants to the said Patrik Mauld of Panmure and his foresaid during the space foresaid licence, power and libertie to fishe and trade in the countrie and seas of Gronland [sic] and in the Yles and others parts adjacent thereto and that for provision and furnishing of the saids soape workes with oyles and other materialls necesser thereto, and that without anie trouble, molestation, stop or impediment whatsoever to be made againis thame or anie of thame be anie of his Majesteis subjects whatsoever in thair persons, shipping or goods, with free libertie and privileidge to thame to pas and repas to and frome the saids seas and territoris of Gronland and Yles adjoyning thereto and to anie part, creik, harbour or road of the same als.
Majestie, with advice of his said Privie Counsell, gives and grantes during the said space of one and threttie yeeres to the said Patrik Mauld of Panmure and his foresaids full and sole libertie, licence and power, and to none others, to make pot ashes of all sorts of suche wod within the same kingdome as is most fit for the purpose and as can be most convenientlie spared, giving always satisfaction to the owners thairof, and where the same cannot be made within the said kingdome, with power and licence to thame to buy and import the same for the use aforesaid frome forane parts, paying the custome dew to his Majestie for the same, as lykewayes with power to thame to make pot ashes of all sorts of fairs and other vegetable things quhatsomever within the said kingdome fitt for that purpose, giving always satisfactioun for the same to the owners thairof, with power alsa to thame to make pot ashes within the said kingdome for the use of the saids soape workes, and for that effect to buy and bring in lykewayes frome forane parts all ingredients fitt for making thairof, provyded that custome be payed for the same. And, for the better working, preparing and making of all suche pott and soape ashes and of the severall compositions and ingredients thereunto, with power to thame to erect store and workehouses fitt for that purpose and all maner of ingynies, vessellis, coillis and instruments necessar for the same. Paying always yeerelie the said Patrik Mauld and his foresaids to his Majestie and his Hienes successors for the said licence of making of soape during the foresaid space the soume of twentie pundis sterline at the feast and terme of Witsunday yeerelie, quhairof the first yeeres payement to be and begin at Witsunday after the expyring of M' Nathaniel Udwarts patent, and sua furth yeerelie thereafter during the said number of yeeres. And his Majestie be thir presents suspends this present gift and effect thairof sua long as the said former patent stands in the person of the said M' Nathaniel Uduart and his foresaids unexpired; and his Majestie ordains thir presents to be ane sufficient warrant for writting and appending the great seal without passing other registers and seales. Givin at Edinburgh, the sext day of November, 1634. Followes the docket:—Please your sacred Majestie, These licence your Majestie's daylie servitour, Patrik Mauld of Panmure, for threttie one yeeres, to sett up manufactureis for making soape in Scotland with sole power to make and sell it therein and in forane parts, paying suche customes as is payed for soape imported; for better making of whiche commoditie power is givin to thame to fishe and trade in Greenland, provyded that the commoditieis thairof be onelie for furnishing of Scotland; and with sole power to thame to make pott ashes of all materialis within the kingdome; and als licence, is grantit unto thame (if the same cannot be provided within the countrie) to buy and import pot ashes for the use aforesaid and siclyke to make pott and soape ashes of wod, fairs and others vegetables within the kingdome, satisfying the owners, and to import all others ingredients for making of soape
paying custome. They ar to pay your Majestie yeerelie twentie pundes suspending the effect of this gift so long as the patent grantit be your Majestis father of blessed memorie stands in the person of M' Nathanael Udwart unexpired. S. Thomas Hop. Sic subscribitur, Hadinton; Erroll; Wintoun; Wigtoun; Roxburgh; Traquaire; Binning; Naper; J. Hay; S. Thomas Hop; James Baillie."

"The Lords continewes the advising of the processe anent the erection of the lordship of Torphichin till this day aucth dayes."

[Sederunt as recorded above.]

Complaint by Mr. George Sydserfe, minister at Colbrandspeth, as follows:—Some two years ago certain gypsies and vagabond sturdy beggars broke into and spoiled his house, and pursued himself with pistols and swords. They are ordinarly reset within the bounds of the lordship of Thorntoun and Dunglas, of which George Home is bailie, and the said George Home about that time received from the said gypsies a stolen horse, which he still retains, and had very frequent intercourse and intelligence with these vagabonds against the laws of this realm and contrary to the duty of his place. For purging the bounds of these wicked persons and that the gentlemen within whose bounds they resort, especially the said George Home, should have no pretext for overlooking them by wanting commission and power against them, the complainor procured a commission to the said George Home and certain barons in the country for apprehending and exhibiting these gypsies to the bailies of Dumbar or Hadinton to underlie their trial. And now lately "great nombers of the saids Egyptianis, sometymes fiftie, sometymes threescore, being sorning in East Louthian togidder in troupes, where not onelie they had spoyled and herried diverse people both in the compleanners parish and els where, but also had tane men and wyffe out of thair beds and lynie in the same thameselves;" and the compleanner, being informed that upon the 26 of Junij last these vagabounds were to be all night within the bounds of the lordship of Thorntoun, he sent the said commission to George Home earnestly entreating him to put the same in execution against these gypsies, but he very undutifully refused the service and sent back the commission, and suffered these vagabonds "to have beild and reset within his bounds all that night." Charge having been given to the said George Home as party, and to Thomas Symmoine in Dryburneufurd and Alexander Frude in Thorntoun loche, as witnesses, and the pursuer appearing by Mr. Thomas Nicolsone, younger, advocate, who produced the commission above referred to, but neither the defender nor the witnesses appearing, the Lords ordain them to be put to the horn and escheated for their contempt.

Complaint by George Archibald, son of Andrew Archibald in Barreldyks, as follows:—On July, 1632, Mr. Andrew Logie, parson
of Rayne, George Leslie of Rothmeyes, George Leith of Threifeild, Patrick Leith of Kirkton of Rayne, William Arskyne, brother of the Laird of Pittodrie, and George Leslie, son of George Leslie of Boigs, came by way of hamesucken to the dwelling house of the complainant's father in Barrelydisks, forcibly broke up the doors, violently seized the complainant, and without any lawful warrant carried him captive to Auldrayne and kept him as a prisoner for five or six hours in the house of John Ker there. Charge having been given to the said Mr. Andrew Logie, Patrick [Leith], George Leith and George Leslie, and the pursuer compearing by Andrew Archibald, his father, and Mr. Andrew Logie appearing for himself and the remanent defenders, the Lords after hearing parties assizie the defenders, who produced a precept signed by the Laird of Pittodrie, one of the Justices of the Peace, for the sheriffdom of Aberdein, directing some of the constables to go and take caution from the said Andrew Archibald's son for the indemnity of the said Mr. Andrew, and in case of his refusal to charge him to enter into ward; and showed that the said George Archibald only went some short distance with the constables to the house of John Ker in Auldrayne, who became cautioner for him, whereupon he was "dimmitt." Further, the said Mr. Andrew produced to their Lordships a dereet arbitral pronounced by Patrick, Bishop of Aberdene, and the ministers of the burgh of Aberdene, proceeding upon a judicial submission between him and the pursuers, in which it was declared that the said Andrew and his son had committed "sundrie insolences and wrongs" against the said Mr. Andrew.

"The protections given to Alexander Hamiltoun, young, of Lawfeild, and Patrick Fleming of Carbraine prorogat till the 8 of Januar nixt." Complaint by William Robertoun, burgess of Perth, as follows:—

On 19th May, 1633, he was in the kirkyard of Abernethie at the burial of his wife's father's brother, when Andrew Wenes in Abernethie, having a private malice in his heart against him, came to him, and "or ever he was awar tooke from him one of the spaiks wherewith he had caried the corps and gave him manie bauch, blae and bloodie straights hairwith on the head and others parts of his bodie, to the effusion of his blood and perrell of his lyffe, queberthrow he lay long bedfast unable to travell to worke for his living." Further, on 24th July, 1633, when he was going to the market in Cowper of Fyffe through the town of Abernethie, John Williamsoun, William Andersone, Andrew Hay and Andrew Furnie in Abernethie "patt violent hands in his person, and with their neives, feete and knees bursed, bruised, hurtit and woundit:" him on the head and other parts of his body to the effusion of his blood and peril of his life; and because he said he would complain, they put him in the stocks for a day and a night, so that he lost his market to his great hurt. Charge having been given to these persons and also to Matthew Geddes, elder, in Abernethie,
William Millar there, Archibald Douglas, younger, there, William Hendersoun there, William Wallace there, Robert Thomesone there, John Flivisrar there, William Williamsone there and Allan Chapman, as witnesses, and the pursuer compairing but not the defenders nor witnesses, the Lords ordain the latter to be put to the horn and escheated for their contempt.

"Missives to the Bishop of Glasgow, the Erles of Murrey, Perth, Lauderdail, Dumfreis and Master of Elphinstoun to be heir upon Tuesday nixt and to the Erle of Southeak and Lord Lorne to be heir on Tuesday come aucht dayes to joyne with the Counsell in taking order with the insolenceis of brokin men."

"The quhilk day the missives concerning the Erle of Buccleuchie wer delyvered to the Advocat."

Sederunt—St. Andrewes; Privy Seal; Murrey; Perth; Rox- burgh; Laudersaill; Traquair; Lorne; Bining; Bishop of Edinburgh; Bishop of Ros; Naper; Master of Elphinstoun; Clerk of Register; Advocate.

"The Lords of Secret Counsell, having heard the articles givin in name of the Laird of Fendraught anent the heirships committed upon him, his tenents and servants, they continew their resolution thereanent and anent the means for preventing the disturbances of the countrie till Thursday nixt, ordaining in the meanetyme his Majesteis Advocat to summonm the partieis againis whome Fendraucht sall give information to find cautioen to underly the law for the crimes committed be thame, and ordains the clerk to produce upon Thursday the overtures formerlie givin in for quyetting the countrie with the acts and proclamatiouns made in September last."

[Sederunt as recorded above except Lorne.]

This day there compeared before the Lords William Thomeson and James Spence, merchants burgesses of Edinburgh, and John Fleeming and John Binning, also merchants burgesses there, who were appointed to hear and audit the accounts of Thomeson and Spence, and declared the state of matters betweed them. This, they showed, would require "manie diets of probation and the heiring and judgment of the Lords of Session, at the least of some of their number, whom they wer content sould be adjoyned" to the said auditors. Accordingly James Spence nominated Sir Andrew Fletcher of Innerpeffer, knight, and William Thomeson nominated Sir John [sic] Hope of Craighall, knight,

1 This entry is upon the last page of this volume of Sederunts.
and the Lords, willing to give all lawful furtherance to this business, approve of the arrangement and hereby grant commission to the four auditors to call the parties and their witnesses before them and examine them upon oath or other manner of probation. They also request the two senators of the College of Justice to accept this commission, and empower the Clerk of Council to direct letters against parties and their witnesses as may be required. And that James Spence may attend the proof and urge his claim before the commissioners the Lords extend his protection until 8th January next at night.

“A letter from his Majestie concerning the establishing of the justices of peace and authorizing thame with quhat further power sall be found fitting for quytting the peace of the country, and that the ylanders be tyed to their yeerelye compeirance.”

Sederunt—Bishop of St Andrewes; Privy Seal; Murray; Perth; Edinburgh, Traquair; Bishop of Edinburgh; Bishop of Ros; Lorne; Naper; Bining; Clerk of Register; Master of Elphinston; Advocate.

“Forsamekle as the Lords of Secret Counsell ar informed that great numbers of sorneres and brokin men of the Clangregour, Clanlauchlaine, Clanrannald and others brokin clans in Loquhaber, Stradoun, Glencoe, Bramar, and others parts of the Hielands, as alsa divers of the name of Gordoun and their dependers and followers in the inconntrie, have this long tyme bygane and now latelie verie greevouslie infested his Majesties good subjects in the north parts, especiallie the Laird of Fendraucht and his tennants, by frequent depreddations, slaughters, heirships and barbarous cruelieties committed upon thame, and by ane late treasonable fire-raising within the said Laird of Fendrauchts bounds, whereby not onelie is all the gentlemans lands layed waist, his hail goods and bestial spoyled, slaine and mangled, some of his servantes killed and cruellie demayed, but also the hail tenntes of his lands and domesticks of his hous have left his service and lands and himselfe with the hazard of his life hes beene forced to steale away under night and have his refuge to his Majesties Counsell; and thir disorders ar growen to that hight that almost no where in the north countrye can anie of his Majesties subjects promise saifetie to their persons or meanes, the breake of his Majesties peace in these bounds being so universall and fearefull as the verie burrows and touns thameselfees ar in continuall danger and feare of some suddane surprise by fire or otherwaiyes frome thir brokin men. And the Lords of Secret Counsell, in this so deplorable estait of the countrye, finding it thair boundin dewtie to use all meanes possible for preserving the honnour and credite of his Majestie his authoritie and lawes and reparacion of the losses of his distressed subjects, they have thairfor resolved, upon trew information of the authors of thir disorders, thair abattters and ressetters, to take suche exemplaric order thereanent
as the delinquents may underly their deserved punishment and his Majesties peaceable subjects be repaired in their losses and in tyme comming secured from these incursions and disorders of thir brokin men; and for this effect ordains letters to be direct to heralds, pursuavants or messengers of armes charging the persons underwrittin, they are to say, George, Marques of Huntlie, and his baillieis, John Gordoun of Buckie, Alexander Gordoun of Carneborrow, Williame Gordoun of Tulloch, Sir James Gordoun of Lesmore, James Gordoun of Letterfoure, John and Nathanael Gordons, sonnes to John Gordon of Ardlogie, John Gordoun of Innermerky, Alexander Gordon his sone, John Gordoun of Parke, Adame Gordon his brother, Duncane Braibner his greave, the Laird of Geicht, elder and yonger, John Gordon of Ardlogie, Sir Alexander Fol. 31, a. Gordon of Cluny, Allane McEanduy and his sonnes, the Laird of MCGregour and Patrick his brother, the Laird of Grant, the Laird of Glengarrie, Mr Renald of that Ilke, elder and younger, Gordon of Terrisoull, Mr Innbach of Glencoe, the Erle of Atholl, the Lord Lovat, Sir Robert Innes of Balvenie, John Grant of Glenmoreston, Grant of Rothimurchus, of Glenneveis, tutor of Glenneveis, John Ogilvie of Milnetoun, the Lady Rotheymay, Alexander Strauchane of Glenkindie, Thomas Gordon of Arltache, John Gordon his sone, Alexander Leith, brother to Harthill, Patrick Gordoun, brother to Johne Gordoun of Achinhannah, Johne Gordoun in Corekellie, Duncane Cumming in Achindoun, Johne Fordyce in Auchenreiff, and George Moreson in Rothemay, etc., maisters and landlords to thir brokin lymmars and chiftans of thair clans, and throw whois bounds thir brokin men have had thair repaire with thair heirships and depreda- tions, and for whom in that cause they ought to be answerable be the lawes of the countrie, to compeir personallie before the Lords of Privie Counsell upon the xvij day of December nixt to give information to the saids Lords ant the heirships, slaughters, depredaitions and others disorders committed upon the Laird of Fendraucht, his tenants and servants and others his Majesties subjects in the north since the burning of the towre of Fendraucht, and forder to underly suche order ant the peace of the countrie and restraining of the depredaitions of all brokin men dwelling upon thair lands or being of thair clans for whom they ought to be answerable be the lawes of the countrie, and tuiecheing redresse to be made be thame to his Majesties oppressed subjects of thair losses and damages susteanned by the saids brokin men since the burning of the said hous of Fendraucht, as by his Majesties lawes and acts of parliament sall be found necessar; and that they compeir personallie to the effect foresaid under the pane of rebellion and putting of thame to the horne, and forder under all highest pane and charge that after may follow, with certificatoum to thame and they fallyie that not onelie sall they be denounced rebellis and putt to the horne but also suche forder exemplarie course sall be followed out aganis thame as his Majesties honnour and the peace of the countrie requires."
“Forsamekle as the Lords of Secret Counsell ar informed that Johne, Bishop of Murrey, Mr William Douglas, minister at Forgue, Normand Leslie of Tulloche, Walter Halket at the milne of Rothemay, Mr Alexander Inneis, parson of Rothemay, Mr Andro Massie, minister at Drumblat, Mr John Reidfurnd, minister at Kinbettock, James Hamilton of Cors of Kinmore, John Hamilton, his son, Mr Johne Annand, parson of Kimmore, John Tarrell in Rothemay, Adamsons, elder and younger of Braco, Mr Alexander Douglas, doctor of medicine in Bamf, Sir Alexander Hay of Delgatie, Mr Robert Blair, minister at Forglen, Mr Thomas Mitchel, parson of Tureff, Walter Urquhart of Crombie, John Gordon of Carnefeild, Thomas Dorwart in Achnachnie, Henrie in Quytlumes, Mr Alexander Forbes in Tureff, Walter Barclay at the kirk of Keith, Johne Gordoun, younger of Achnachnie, John Reidfurnd in Meyen, Johne Stevinsone there, Patrik and George Murreyves in Auchinnoul, Sir James Gordoun of Lesmore, John Gordon of Buckie, Mr Richard Maitlane, minister at Abirchirdour, and Mr Johne Logie, minister at Rathven, can give information anent the heirships and depredations latelie committed upon the Laird of Fendraught and of the authors, abbessters and hounders out of brokin men to the committing of the same; and the saids Lords being carefull to use all lawfull wayes and meanes for discoverie of this mater to the effect that the offenders in this kynde may be knowne and punished and convenient remedeis sett down for preventing the like disorders in tyme comming, thairfor ordains letters to be direct charging the persons a bonewrittin to compeir personallie before the saids Lords at ane certane day, to depone what they know or sall be speirit at thame in the mater foresaid under the pane of rebellion, etc., with certification, etc.”

“Forsamekle as upon the 21 day of May, 1631, and 26 and last dayes of September last, Adame Gordon, sone to Sir Adame Gordon of Parke, John Gordon in Carnehill, Donnald Kelles, Alexander Gow, William Gauld, Angus Mr Inneis, James Inneis, Alexander Mr Kercher, John Geins, Robert Couper, John Mill, and Andrew Marriche in Cabriche, Adame Gordoun in Stradoun, James, Patrik and Alexander Gordouns, his sones, George Gordoun in Auchtterles, James, Adame and Harie Gordouns, his sones, and William Ro in Stradoun, sister sone to James Gordoun of Letterfoure, wer orderlie denounced rebellis and put to the horne be vertew of criminal letters execute aganis thame at the instance of the Laird of Fendraught and his tennents for not finding sufficient caution and souertie actit in the bookes of Adjournall for their compeirance before his Majesties Justice and his deputys to have underlyne the law for diverse stiths, depredations and others crimes mentioned and contenainit in the saids letters of horning, as the same dewlie execute, indorsat and registrat bursts; quhilkis hail persons have so herryed and wracked the said Laird of Fendraught and his tennents and others, his Majesties
subjects, in the north and goe on in suche ane insolent and lawlesse ravaging afort the countrie as if his Majesties auctoritie and the hand of justice was not able to overtake thame; and since they ar all ather men, tennents and servants to George, Marques of Huntlie, or dependers and followers upon him, as being of his clan, kin and surname, and who accompanie him at castiging, hunting and all conventions, gadderings and meitings, and unto whome he is cheefe, and for whome be the lawes of the countrie, acts of parliament and Generall Band he aucth to be answerable and exhibite to thair tryell; thairfoir ordains letters to be direct to heralds, pursuavants or messengers of armes charging the said Marques of Huntlie, as maister, landelord or cheefe to the rebells particularlie abonewrittin, to exhibite and produce the saids rebells before the saids Lords at ane certaine day to the effect order may be tane for thair punishment as accords, under the pane of rebellion, etc.; with certificatouin, etc."

"The Lords of Secret Counsell continewes the advising of the processe anent the erectionou of the lordship of Torphichin till Tuesday come aucth dayes and ordains the Clerk of Counsell to advertise the Lord Torphichin heirof."

[Supplication by Walter Troup, John Watsoun, Robert Colquhoun, John Castelaw, Francis Marche, Robert Ros, Martine Thomesone, George Ferguson, Stevin Tullidaff, Mr. Edward Miller, Eleazer McKiesoun, James Creichtoun, and Umphra Watsoun, all of his Majestys Chapel, as follows---In hope of receiving payment of that sum of money which the Lords Treasurer, principal and depute, received warrant to pay to them, they have contracted some debts, partly in furnishing their houses and partly in procuring some comely attire, seeing they most ordainly attend his Majestys Chapel, and for these debts they are now heavily distressed and threatened with imprisonment. If they had their money they could satisfy their creditors, and meanwhile they crave their Lordships protection so that they may attend their service in the said chapel. The Lords grant their request as craveed until 1st April next.

"All thir charges to be execute be herals with displayed coat of armes and sound of trumpet."1

"A missive to the Bishop of Murrey for conveining the gentlemen in Murrey to sett down a report in writt of the disorders in the north and meannes for repressing the same."

"The Lords nominates the Eres of Tracquair, the Lord Lorne, the Bishop of Ros, the Lord Naper, and the Master of Elphinstoun to met the morne at ten of the clocke in the forenoone for revising the rollis of the justices of peace."

1 Referring to the charges against broken men.
Sederunt—Sanct Andrewes; Privy Seal; Murray; Wintoun; Perth; Edinburgh, Traquarre; Lorne; Bining; Bishop of Edinburgh; Bishop of Ross; 18th November 1634. Bishop of Dumblane; Melvill; Master of Elphinstoun; Clerk Register; Advocate; Sir James Baillie.

Anent the supplication presentit to the Lords of Secret Counsell be Thomas Areskine of Balhaggartie, John Leslie, younger of Pitcaple, Sir Alexander Hay of Dalgatie, William Dalgorno of that Ilke, Alexander Strauchane of Glenkindie, and Forbes of Corsindae, commissioners nominat for taking tryell of the abuses committed in the faires in the north by presenting of plaguing to mercat in hard folds and rollis, makand mention that where the saids Lords ordained the saids supplicants to make report the first Counsell day in November unto thame of what they could find in the matter foressed committed to the supplicants, quherein they have done thair exact diligence, bot in regarde of the terme quhilk straits the complainers and compells thame to attend at home for taking order with thair effaires they cannot compeir before the saids Lords at the day prefiect unto thame; humbile desyryng thairfoir the saide Lords to continew the dyet appointed for the supplicants conpeirance and report in the mater foressed till the aucth of Januar nixt, lykees at mair lenth is conteanit in the said supplication; quhilk being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secret Counsell hes prorogat and continewd and be the tennour heirof prorogats and continews the dyet appointed for the supplicants thair conpeirance and report in the mater foressed untill the said aucth day of Januar nixt, quhairof Johne Sinclair, merchant burges of Edinburgh, Robert Tailyeour, burges of St Andrewes, Johne Sempill, provest of Dumbartane, and Lumeden, baillie of Aberdein, being personallie present as commissioners for the burrowes in this mater are warned apud acta."

"Anent the supplication presentit to the Lords of Secret Counsell be Johne, Lord Balmerinoch, makand mention that where in the defence of his life and innocencie challenged by the criminnall persuite depending agains him at the instance of his Majestis Advocat it is both just and necessar for the supplicant to have the principall paper givin in be him to the Lords of his Majestis committee togidder with the extract of the hail depoositions made in that processe under the clerks hand, togidder with the principall letter writtin and direct by M' William Haig to the supplicant frome Campehr, dated 27 Junij last, wherein he declares that he cannot deny the penning of that supplication, quhilk letter the supplicant produced before the said Lords of committee upon the first day of August last bypass under protestation to have it up agane; and seing the supplicant cannot convenientlie gett the saids Lords of committee convoenned for giving up to him of the saids papers without which he can
have no deliberation with his lawyers in those his legall defences, and
seing also the supplicat hes a great necessitie both for advice in this
and all others his businesse to have the best helpe and consell of his
honorable freinds and of conference with others that are concerned in his
severall affaires; humbelie desiring thairfor the saids Lords to give order for
present delyverie to the said supplicant of the papers foresaid and als to give
warrand to the constables of the Castell in maner and to the effect under-
written; lykewise at mair lenth is conteaneit in the said supplication. Quhilk
being read, heard and considderit be the saids Lords and they advised therewith,
the Lords of Secret Counsell ordains the clerk of the committee and
others whome it concernes to delyver to the said supplicant ane authentick
copie or double of the scandalous libell for quhilk the supplicant is
challenged, togidder with the double of the supplicant his awne deposi-
tion made before the committee in this mater and of the letter foresaid
direct to him from M' Haig, all under the hand and subscription of the
said clerk of the committee; as alsua ordains and commands the constable
of the Castell of Edinburgh to suffer and permitt James, Lord of Cowper,
Alexander, Maister of Elphinstoun, Sir Thomas Ker of Cavers, Sir
Walter Dundas of that Ilke, Michael Elphinstoun of Querrell, Robert
Drummond of Medhope, Sir Lewes Stewart, M' Thomas NIcholstone, M'
Andrew Aitton, Walter Hay, M' Alexander Peirson, and M' John
Nisbit, advocates, to have access and conference with the said supplicant
on all occassions in presence of the said constable, and that the saids
advocates make faith to some of his Majesties Counsell that they sell not
meddle in anie bussines further nor what may concerne the supplicant
his necessar and lawful defence; and the saids Lords inhibites and dis-
charges the said Lord of Balmerino and his advocates and all others
whome it may concerne to give anie copie of the scandalous libell to anie
person whatsomever bot to kepe the same secret for thair awne use
and to reproduce the same at the bar after the closing of the caus;
ane the doin of quhikls premisse the extract of this act saill be to the
said clerk of the committee, constable of the Castell, and others foresaid
ane sufficient warrand."\(^1\)

\(^{1}\)The trial of Lord Balmerino is one of the most famous State prosecutions in Scottish
history. During the session of the Parliament, which met in Edinburgh during Charles' visit to
Scotland in 1633, a section of the nobles had drawn up a "Supplication" in which they
entered a protest against his ecclesiastical policy. Charles refused to receive the document. The
charge brought against Balmerino was that an interlined copy of the Supplication was found in
his possession. His trial lasted from June 1634 till July 1635, and he was found guilty by a
majority of eight to seven. At the suggestion of Laud, it is said, Charles received him to
mercy.—Bow, 378-379; Balfour, A. Axates, II., 116-130; State Trials, III., 691-711.
son, have causelessly conceived a grudge against him but fearing to attempt any violence, have resolved under colour of law either to do him some affront or force him to compone with them for crimes, of which he is innocent. For this end they first prosecuted before his Majesty's Justice one David Murray for the theft of some plough irons and Alexander Chrystie for resetting the same, but the latter.compaereed and cleared himself, while the former fled, but was taken upon letters of caption by the said Laird of Halkerton, who took him to his own house and kept him there for several days during which he dealt both personally and by means of others with the said David Murray to accuse the complainer as the resetter of the said plough irons, promising him his life and impunity if he did so, but threatening him with the extreme rigour of the law if he refused. Thus terrifed with the fear of death the said David falsely accused the complainer as the resetter of the irons, wherupon the said Laird of Halkerton, "seeing the mater weele brought to his hand, and thinkeing that he was now sufficientlie armed to worke out his intendit purpose against the complainer, sent for him, and told him that the said David had deponed agains him in a poynit concerning his lyffe, and craved some composition of him, promising to warrand him frome the challenge and make him frie." The complainer, however, conscious of his innocency, refused, and frankly told him "that some nyne yeeres agee he ressavd a pleuche socke from this Murray quhilk he affirmed to the complainer was a part of his mothers dispenishing of a roume," but as soon as he heard that Murray was suspected of stealing the plough sock he sent the same to the owner. The Laird of Halkerton, being dissatisfied with this answer, sent Mr. Alexander Simson, minister at Conveth, to the complainer, who earnestly dealt with him to give a composition and not suffer the matter to come to a public hearing; but he still refused. Thereupon the Laird of Halkerton took the said David Murray to Robert Keith of Quhytrig, alleged sheriff depute of Kincardin, "with ane pleuche soome for ane fang," and dealt with him to bring the complainer and Alexander Chrystie within the compass of the law for reset, and the said sheriff depute thereupon directed his precept to them to appear before him on 3d August last to hear Murray's depositions received against them. The complainer, however, "thinking such a forme of charg be verie uncouth and not allowable be the lawis of this kingdome, and being visit that tym with seicknes," neglected that diet, for which this pretended depute fined him £50 for contumacy, and charged him of new to appear before him in a justice court to be held at Staneheyve on 6th August to underlie the law for reset of the said plough sock; wherupon, although the charge was summary and illegal, for the law allows fifteen days to a man to plead for his life, the complainer offered caution to appear upon fifteen days' warning in terms of the Act of Parliament, but the clerk refused it, as an instrument taken thereupon shows. That same day the said David Murray was tried by an
assize before the said depute for the theft of the said plough sock, but
the assize, "finding no fang with him and the alledged shift to be com-
mittted nyne yeeres agoe," cleared him thereof; and thereupon the said
depute by the procurement of Halkertoun declared the complainer
fugitive, and intends to seize upon his whole goods, as what is sought in Fol. 165, a.

the complainer's life, or else that he redeem it with his goods. This is
a "mater verie dangerous and not allowlible be the laws of this
kingdome to admit ane convict and subdued theefe to bring the lyffe,
fortunis and reputation of honest men in question, nither can anie shireff
pretend in maters of theft or other crymes quherupon the paine of lyffe
may follow without speciall commission from the Counsell except the
criminall be takin with the fang, quhilk caise is not heere; and furder
the said pretendit depute is no depute to the said shireff, but has usurped
our soverane Lords power and auctoritie to take upon him the place of
ane judge without anie lawfull warrand; and it is lykelylie that he and
the said depute hes colludit to make havok of the compleuner and his
estate and to use his Majesties auctoritie as a clocke to thair unjust
designes." Charge having been given to the said sheriff depute and
 Laird of Halkertoun, and the pursuer appearing but not the defenders,
the Lords suspend and annul all the foresaid process against the pursuer
and discharge the defenders from putting the same to further execution
against him until they produce all documents in the case and the pursuer
be warned to attend their production.

Complaint by Alexander Chrystie in Pitgarvie, as follows:—Sir Fol. 165, b.
Alexander Falconer, elder and younger of Halkertoun, and Patrick
Falconer of Newtoun, out of a deadly hatred and malice against him and
having resolved to take his life, have for long vexed and troubled him
with pleas both before the Lords of Session and his Majesty's Justice.
In all this his innocency has ever borne him out, and he thought that he
was now free of further vexation. Yet on August last they charged,
him to appear before Robert Keith of Quhytrigs, pretended sheriff depute
of Kincardin, to underlie the law for the alleged stealing of two plough
irons, at least for the reset thereof, which were stolen by one David
Murray, whom the said Sir Alexander apprehended as fugitive for that
crime and kept in his company until he forced him, upon promise of his
life, to depone that the complainer had reset them. The pretended sheriff
depute for his non-compearance has fined him £50, or intends to do so, or
declare him a fugitive; and most wrongfully so, because at the instance
of the said Sir Alexander and Patrick Falconer he was convened on
27th July, 1633, before his Majesty's Justice on the above and other
charges, when by the voices of the whole assize he was assoilized of this
very crime for which he is now convened before this pretended depute.
It is presumption in any inferior judge to meddle in a matter already
tried by his Majesty's Chief Justice; and no sheriff can proceed in a
matter of theft without a special commission, unless the criminal is taken
with the fang; yet the rest of which the complainer was assoilized was alleged to have taken place twelve years since. Besides, the pretended sheriff depute’s authority is usurped. Charge having been given to the said Robert Keith and Sir Alexander and Patrick Falconer, and the pursuer appearing but not the defenders, the Lords suspend the precepts and other writs issued against the pursuer by the defenders and discharge them from all execution thereof until they produce the same before their Lordships and warn the pursuer to their production.

Complaint by James Edmonstoun of Hermeitscroft as follows:—He has been put to the horn, he is informed, at the instance of Sir John Halden of Glenneigis, James Mushet, siar of Burnbanke, Harry Home of Argatie, William Caddell in Downe, John Stewart, William Fergusone, and Harry Murray, servitor to the said Sir John, for his not compearing to answer to a complaint by them against him for an alleged wrongful pursuit by him against them before their Lordships. Now, he was never lawfully charged and no knowledge thereof came to him, for, if it had, he would willingly have appeared. He has, however, found caution in their Lordships’ books in 300 merks to appear this day, and to pay 40 merks as his escheat to his Majesty’s Treasurer and receivers of his rents if it be found he ought so to do, and he therefore craves suspension of the horning. Charge having been given to the persons named, and the pursuer compearing, but none of the defenders, the Lords suspend the horning as craved.

Complaint by Sir Thomas Hope of Craighall, his Majesty’s Advocate, and Sir Alexander Nisbet of that Ilk, party grieved, as follows:—In contravention of the laws against wearing of firearms, on 14th October last, John Cranston of Corsbie, James and Thomas Cranston, his brothers, Thomas Cranston in Lawder, Thomas Cranston in Huntlywood, William Cranston in Ednem, William Seaton, uncle to the Laird of Touch, Alexander Home of Huntlywood, Alexander Home, siar of Bassindene, Mark Home of Mostroun, Andrew Haltie of Sneip, Thomas Cranston in Bassindin, William Home in Mostroun, Patrick Yuill in Mellerstanes, George Malice in West Gordon, James Neilson there, James Fairbairne in the Slap and Archibald Gisoun in Gordoun, with invocation of the lieges to the number of 120 persons, a great many of whom were armed with lances, swords and steel bonnets, others with flails and long stings, and some with hagbuts and pistols, came in a hostile and warlike manner to the barnyard in Rumiltounlaw which, with the lands and teinds of Rumiltounlaw, belongs by good right to the said Sir Alexander Nisbet, who had led and stacked his teinds there, “and in despyte of him they koust doune a teind stacke qhill he had in his barnyard, threw a great number of the cornes among the felds and tooke the rest away with thame.” When he heard of this, Sir Alexander sent his men, Thomas Nisbet and Patrick Abernethie, notary, to inquire why they thus oppressed him, when “they shamefullie strake the said Thomas on diverse
parts of his bodie and so birsed and bruised him that he hes never beene weele sen syne; and the said William Seatoun threatned the notar, avowing to take a ticket aff his haffet if he gave out anie instrument in this mater.” Charge having been given to the persons named and the pursuers compearing personally and likewise all the defenders charged except Patrick Yuile and George Malice, the Lords, after bearing parties and several witnesses, find that the defenders most unlawfully convocated at the time and place libelled, thereby committing a great insolence and violation of the laws and for this they ordain them to be warded in the tolbooth of Edinburgh until they be released by their Lordships. They further find that Andrew Haitlie and John Cranstoun of Corsbie wore pistols at that time, and ordain them to be warded in the said tolbooth until they compone with his Majesty’s Treasurer thereanent; but their Lordships assolzie from this point of the complaint the said Thomas, James and William Cranstoun, and Mark Home. The Lords also ordain that Patrick Yuill and George Malice be charged to enter into ward within the tolbooth of Edinburgh within six days, until the Lords take order with them, on pain of horning. Evidence as to the wearing of pistols was taken by the oath of verity of the defenders.

Edinburgh, 20th November 1634.

Sederunt—Sanct Andrewes; Privy Seal; Perth; Lauderdaill; Dum- freis; Traquaire; Lorne; Bining; Bishop of Edinburgh; 1634. Bishop of Rox; Bishop of Dumblane; Melvill; Master of Elphinston; Clerk Register; Advocate; Sir James Baillie.

“The whilk dy, in presence of the Lords of Secret Counsell, compeired personallie Archibald, Lord of Lorne, who for satisfaction of the commi- sion direct be the Counsell to him and to Neill, bishop of the Yles, for tryell taking of the dewteis exacted by the Ylanders from his Majesties subjects of the Associatioun resorting in these parts and by what warrand and right they doe the same, exhibite before the saids Lords are report in writt subscriwyed be the said Lord of Lorne and bishop of the Yles and some of the ylanders, togidder with ane letter direct from the Erle of Seafort to the Bishop of the Yles, bearing that in obedience of his Majesties desire he had forborne to exact anie dewteis from the English, and that no strangers did repaire to anie of his lands; of the qhilk report the tennour followes:—At Inveraray, the twenty nyt day of August jixvj threttie four yeeres. Qhilk dy, in presence of Archi- bald, Lord Lorne, and Neill, Bishop of the Yles, anent the commiission direct unto thame be the Lords of his Majesties most honorbable Privie Counsell for calling of the landlords and heretours of the Yles before thame and examining of thame what dewteis they exact of his Majestis subjects of the Associatioun resorting there, what is the ground leave of these exactions, and by what warrand they doe the same, as alsua to take tryell and informe thameselfes how and by whome strangers ar brought...
in and their vessels laden with fishes and others native commodities; as the said commission of the dait at Edinburgh the twentieth fourt day of July last bypass beiris. And the said commissioners, having in humble and devout full obedience of the saids Lords their commission foresaid conveened the landlords and heretours of the Yles underwritten this day and place, they ar to say, Sir Donnald M'cDonnald of Sleat, knight baronnet, John M'Cleod of Herreis, Johne M'cRannald of Ilantirum, captane of Clanrannald, Neill M'Neill of Bara, Sir Lauchlane M'Claire of Morverne, knght baronnet, Murdoc M'Claire of Lochbuy, Lauchlane M'Claire of Coill, Lauchlane M'Charles V'Fingon for the Laird of M'Kynnon, and the foresaid commission being publickly read over in all their audiences thereafter the saids commissioners did interrogat and examine everie one of the saids ylanders in particular what dewteis they exact of his Majesteis subjects of the Associatioun resorting there; and the saids Sir Donnald M'Donall, Johne M'Cleod, Johne M'Rannal and Neill M'Neill of Bara una voce gave the anwer and declaratioun following, viz., that it was the ancient custome before the dait of the contract afterspacefeit (quhilk they thinke to be about fourteene yeeres since or thereby) to everie one of thame in whos bounds the herring fishing fell out to exact of everie barke or ship resorting thereto for ankorage or ground leave ane barrell of aill or meales in the owners option, and for ilke anker layed on shoare sax shillings aucht penceis, and out of everie last of herring slaine there three puns money, togidder with the benefit of everie Saturdyes fishing; and that now they exact oelie from his Majesteis subjects of the Association for ilke ship and barke that comes to the herring fishing threttie sax shillings Scottish money, and for ilke ship that comes to the gray and whyte fishing twentie merkes, and this for ankorage and ground leave conforme to ane contract past betuix the said Sir Donnald, Johne M'Rannald, and umquhill Sir Rorie M'Cleod and some others of the ylanders on the ane part and certane of the burrowes in the east countrie on the other part in anno 1620 or thereby, quhilk they say is registrat in the bookes of Counsell.

2. They being interrogat what is the ground leave of the saids dewteis quhilk they now lift, they say they can make no division becaus the same is payable to thame be the said contract for ane ankerage and ground leave, whiche they refer to the contract itselffe. 3. Being demanded by what warrand they uplif the saids exactions and dewteis foresaidis they anser that they ar heretours of the ground and so may lawfully take up satisfactioun for ground leave and ankerage, it being ane ancient custome and in use to be done past memorie of man. 4. Being demanded how they can exact the particular exactions and dewteis foresaidis from anie of his Majesteis subjects of the Associatioun who have not contracted with thame, they anser that they take no more aff thame than aff these who have contracted, wherein they think they doe thame favour becaus they thinke they might uplif from thame the foresaid
ancient dewtie and exactions that they wer in use to gett before the dait of the said contract in respect of the antiquitie of the custome and that they ar hereabouts of the lands and that they have made no condition with thame. Item, the saids Sir Lauchlane M*cClaine, Murdoch M*cClaine of Lochbuy, Lauchlane M*cClaine of Coill and Lauchlane M*cCharles V*cFingon being all examined anent the premises, they and ilke ane of thame declared that there is no fishings within their bounds wherethrow they may exact anie thing frome his Majesteis subjects of the Associatioun, bot if the fishings wer in these bounds they would be content to exact no more nor the saids north ylanders doe. And the saids haill ylanders being demanded how and by whome strangers wer brought in and thair vessellis loadned with fishes and other native commodites, they all in one voice answered that none of thame nor anie within their bounds does anie suche thing, onelie the said Sir Donnald M*cDonnald declares that the last yeere there came into Lochmadie to the herring fishing in his bounds ane Dutche ship frome Dubline having the deputie of Ireland his warrand and four French ships with some men of Air who transported no commodites away bot herring and other fishes. Upon the trueth of the quhilkis answers and declarations abone-writtin the saids ylanders and ilke ane of thame for thair awne parts offered thame to give thair oaths of veritie. In witnes whairof the saids commissioners and ylanders have subscried thir presents day, yeere and place foresaid. Sic subscribitur, Lorne; Neill, Iles ; Sir Donald Macdonald of Sleatt; S. L. McLaine, Morverne; J. McLeod of Dunvegane; Macrannald ; we, Neill McNeill of Bara, Lauchlane McClaine of Coill and Lauchlane M*cCharles V*cFingon abonenwrittin with our bands at the pen led be the notars undersubsceryvand at our commands becaus we cannot write ourselffes, de mandato dictarum personarum scribere nesientes ut asserunt, ego, Georgius Campbell, notarius publicus, subscribo. Quhilk being read in audience of the said Lords they allow of the said Lord of Lorne and the said bishop of the Yles thair diligence heerin and finds that they have carefullie performed what wes committed unto thame."

"The whilke day the Lords of Secret Counsell, having heard and considderit the reasons propounded be Sir Lewes Steuart and M*r Thomas Nicolson, advocate, who wer personallie present, why they aucht not to compeir and defend the Lord Balmerinoch againis the dittay whereupon he is to be accused, the Lords allowes of Sir Leues Steuart his reason Fol. 34, b. of refuisall and thairfoir freiths and releeven of all pleading for the said Lord Balmerinoch, and ordains M*r Thomas Nicolson to repaire to the Castell of Edinbirgh and to confer with the Lord Balmerinoch and to assist him with his best advice in what he lawfullie may for defence of his life."
Complaint by Mr. George Buchannan, minister at Kirkgate, juncta, as follows:—He took great pains this year in winning the corns of his glebe and of another piece of land which he has in tack from Mr. Samuel Jonstoun, in which tack the teinds are included, and at the pleasure of God he succeeded in getting them “weele winne, led, stakkit and heidit.” But upon October last George Johnstoun, son of John Johnstoun of Lockabie, William Johnstoun, called Crawfuird, James Little at the Mylne of Hutton, David Grahame, called of Carnwath, bailie and officer to the Lord of Johnstoun of his barony of Hutton, William Grahame, called of Carnwath, John Graham, called of Dryffs, James Grahame, called Peters Jamie, Matthew Thorbrand at Johnstoun, and William Bell there, all men, tenants and servants to the Lord of Johnstoun, and Dame Sara Maxwell, Countess of Wigtoun, his mother, and others, to the number of forty persons, all armed in warlike manner, at the special instigation of the said Lord of Johnstoun and his mother, “came in a verie foule and raymne day to the compleanere barneyard,” and without respect to the complainers calling “being a minister,” or his estate and condition, he “being ane poore man haveing nothing to live on bot a small and unworthy stipend,” and the foresaid corns, “verie maliciouslie kust doune his stakks and threw his cornes about the feilds, tooke a great part of thame away with thame, and destroyed the rest at thair pleasure. And when as the compleaners wyfe and bairnes came to thame and in verie faire and modest terme askit of thame the reason of their lawles proceedings, they most shamefullie and unhonestlie pat violent hands in the compleaners wyfe and servants, his wyfe being great with chyld; they strake her on diverse parts of her bodie, especiallie in her heid and mouth, till they loused the whole teeth in her heid, to the great effusion of her blood, and she was so cruellie bettin be thame that she hes ever beene in danger of her lyffe and be apperance either she or her bairne will hardlie escape with thair lyffe. Lykeis with the lyke shamefull violence they patt hands in the compleaners sister in law, harled her by the haire of her heid, and pulled out a great quantitie of the same and so mishantlie abused her that she hes fallin into ane heich fever and hes beene ever sensyne tyed to her bed without hope of recoverie; and the rest of the compleaners servants were so heavilie beatten that few of thame hes beene able to travell or work sensyne.” Charge having been given to the persons named, and to Hew, Viscount of Airdes, husband of Dame Sarah Maxwell, for his interest; and the pursuer compearing personally with Mr. Walter Whytfrurde, parson of Moffat, and all the defenders being also present, except the Countess of Wigtoun and her husband, and parties and their witnesses having been heard, the Lords find that the said George Johnstoun, son of
William Johnstoun in Lokebie, William Johnstoun called of Crawfurde, James Litte, Matthew Thorbrand, David, William, John and James Grahame, and others of the lieges in convocation to the number of thirty persons came and cast down the complainer's corns which had been stacked for fourteen days, and for this insolence against a minister they ordain them to be warded in the tolbooth of Edinburgh and there remain until their Lordships release them; but they assoilzie them from the complaint of injuring and abusing the complainer's wife and sister-in-law. Further, they assoilzie the Lord of Johnstoun from the accusation of having hounded out these persons to this deed as he declared upon oath that it was not so. The Lords also find that no processe ought at present to be granted against the Countess of Wigtoun because when she received the charge she was about to embark for Ireland, as she stated to James Vauch, messenger, who executed the charge and was personally present. Moreover, the Lords ordain the Lord of Johnstoun to find lawburrows to Mr. George Buchanan in 1000 merks, and Mr George Buchannan to find lawburrows to the said Lord of Johnstone in 500 merks, in the books of Privy Council, and this being done they discharge all former similar bonds by either of them to the other in the Books of Session. And because the Lord of Johnstoun gave his oath that he dreaded oppression in his lands and goods from the said Mr. Walter Quhytfurde, the Lords ordain the said Dr. Quhytfurde to find lawburrows to him in 1000 merks in the books of Privy Council.

Counter-complaint by William and David Grahame of Carnwath, William Jonstoun, called of Crawfurde, George Jonstoun, son of John Jonstoun in Lockbie, James Litte at the Milne of Hutton, John Grahame, called of Dryffs, James Graham, William Ker, Matthew Thorbrand and William Bell, as follows:—They were directed by William (sic), Viscount of Airdse, and Sara, Countess of Wigtoun, his spouse, to draw the teind sheaves of the forty shilling lands of the Kirktown of Kirkpatrick, which belongs to the said Countess in tack, and of which she has been in possession for several years past. Accordingly, in October last they went peaceably to teind the lands of Mr. George Buchannan, minister at Kirkpatrick, but they were refused by him, and “with manie disgracefull and contumelious speeches” he upbraided the said Countess and her husband. Thereafter, accompanied by Mr. David Vauch, James Johnstoun, shoemaker, Symont Vauch in , and James Vauch, notary, and others, armed in warlike manner with kents, swords and other weapons, he came upon the complainers and pursued them for their lives, wounding them to the effusion of their blood. Charge having been given to these persons, and pursuers and defenders comparing, the former referred for proof of their complaint to the oath of verity of the said Mr. George Buchannan,
who having been sworn and denying the truth of the complaint, the
Lords assize the defenders.

—They are charged at the instance of Andrew Riddell of Hayning to find caution for his indemnity in the books of Privy Council, each in 500 merks, within short space, under pain of horning. They are wrongfully charged so to do, for they never wronged him nor any of his tenants in word or deed, and he cannot give his oath that he dreads harm at their hands, so that it is but of malice. This is further seen in the extraordinary penalty, for they, being but burgesses and craftsmen, ought not to find lawburrows in more than £40. They have, however, found caution for obeying if they be found liable, and meanwhile crave suspension of the horning. Charge having been given to the said Andrew Riddell, and the pursuers compearing by William Scot, bailie of Selkirk, but the defender not compearing, the Lords suspend the horning as craved, and also modify the sum of 400 merks each, in which the pursuers have found caution as follows:—James Elliot, to 100 merks; Robert Scot, 200 merks; James Lidderdaill, 200 merks; the remaining persons save William Elliot to £40; and the said William Elliot's caution is to remain at 400 merks.

Supplication by John Tochoche, prisoner in the tolbooth of Edin- burgh, as follows:—Their Lordships know how long he has been in this prison in great misery and how that, the Marquis of Huntlie having passed from the prosecution of him, his maintenance has been laid upon his Majesty's Treasurer until answer should be received from his Majesty as to the disposal of his case, for which their Lordships wrote. No answer has as yet been received, but the Treasurer refuses.
longer to pay his maintenance unless he obtain a new warrant. He therefore craves that their Lordships will take some course either for his liberation or for his maintenance in ward and the payment of the arrears thereof. The Lords, after again seeing the letter written by the Marquis of Huntlie to Mr. James Farquharson, his agent, declaring that he would no longer insist against the supplicant nor pay for him, and considering that it is noways reasonable to burden his Majesty's Treasurer with the payment or that the supplicant should starve in ward, ordain the provost and bailies of Edinburgh to liberate him in so far as he is warded for the cause abovewritten; and the supplicant, having given his great oath that he is unable to find a cautioner, obliges himself to appear before his Majesty's Justice whenever lawfully charged to answer for the crime for which he was warded under the pain of £1000 and perjury, and in the like penalty that he will keep good rule and not molest any of the lieges; and they further discharge him from going within twenty miles of the houses of the Marquis of Huntlie or the Earl of Erroll in the north.

Complaint by Andrew Quhyte, keeper of the tolbooth of Edinburgh, as follows:—The deceased Patrick Halket of Lymfinnane was on 28th April last warded in the said tolbooth, and remained therein until his death on 14th inst. There is due to the complainer his "jeveller fie, being foure shilling ilk 24 hours," extending to £40. He was kept in ward by Mr. David Aitoun, agent for the Earl of Rothes, who paid him 8s. daily, but refuses to pay the jailor fee. Both pursuer and defender compareing, the Lords, with consent of the said Mr. David, ordain him to pay the said £40 of jailor fee.

Supplication by David Ross of Balnagoun, as follows:—Their Lordships considering the distressed condition of the supplicant on account of the debts incurred by his father and other predecessors, and how that their creditors, not content with proceeding against his lands, endeavoured all they could to imprison him, and so "interrupt his breiding at shoole" and debar him from access to his friends, granted him their protection for a year. This has now expired and his friends have brought him to Edinburgh and "put him to the college where he most attend his studies in philosophie." That the rigour of his predecessors' creditors may be restrained he craves an extension of his protection, and this the Lords grant for another year after the date hereof.

Complaint by John Charlech, alias M'Kynnnon, Neill M'Ewin, Mr. Onell Bayne, alias M'Kynnnon, Donald M'Onill Oigsoun, Donald Dow M'Gillichrist, Angus M'Gillechryst and John Roy M'Ewin V'Phail, tenants and servants to John M'Kynnnon of Strathordail, also the said John M'Kynnnon for his interest, and Lachlan M'Charles V'Kynnnon in Torrell and Mr. Neill M'Kynnnon, parson of Slait, as administrators for the said John, as follows:—In August last the said

1 Omitted at its proper place in the Register.
tenants went from the place of their residence, which is the isle of Sky, to the county of Ros on their lawful business and were peaceably returning home when Hew Ros of Auchnacroich, accompanied by twenty four persons armed with swords, staves, bows, darlochs and other weapons, pursued them for their lives and, having seized them, "band thame with cords, bowstrings and belts, and caried thame captives to the said Hew his house where they keepe and deteane thame in close prison as yitt." Charge having been given to the said Hew Ros, and the pursuers appearing by Archibald, Lord Lorne, and the defender also compearing and producing a process of conviction of the said John M'Charliche, Neill M'Ewin, Donald M'Conseill Og, Donald Dow M'Gilliechrist, Angus M'Gilliechrist and John Roy M'Ewin, whereby "they were lawfullie convict of diverse poynts of thift and slacther and condemned, and accordinlie hanged for the same, in ane justice court haldin be John, Erle of Sutherland, shireff principall of the shiref dome of Sutherland, and his deputis in the palace of Dornook upon the fowrt day of August 1633," the Lords in respect thereof assoilzie the defender.

"A misseve to the Secretar desyring him to haisten and send doun the conjunct commissioun of the Borders for the better quyetting and redresse of the disorders in these bounds."

Sederunt—Privy Seal; Glasgow; Perth; Wigton; Lauderdale; DumFreis; Tracquaire; Lord Lorne; Bining; Bishop of Edin burgh; Bishop of Ros; Bishop of Dumblane; Naper; Melvill; Clerk of Register; Advocate.

"Forsamekle as, albeit by diverse acts of Parliament and convention made and published heitherfore all the subjects of this kingdome were straitlie commandit and ordained to communishe once evertie yeere at the least within their awne parishes without anie pretext of excuse whatsoever under certane panes mentioned and conteanit in the said acts, notwithstanding whairsof his Majestie is informed of ane great abuse that hes of late yeeres prevailed in this kingdome by the disorderlie behaviour of some disobedient people, who ordinarlie, when the communisn is ministrat in their parishes and at all other tymes when their occasions and their humor serves thame, not onelie leaves their awne parish kirkes bot runnes to seeke the communion at the hands of suche ministers as they know to be disconforme to all good order, which is the meane of their disobedience to his Majesties lawes; and thairfoir his Majestie, with advice of the Lords of his Secret Counsell, hes discharget and be the tennour of this present act discharges all suche wandringes of the people from their awne teachers and parish kirks under the pane of his Majestie's high displeasure, quhilk sall be execute upon thame without favour; as alsau his Majestie commands and ordains that all
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his Majestie's subjects sall communicat in their awne parish kirks once at the least every yeere under the panes conteant in the acts of Parlia-
ment made heiranent; certifinge thame that sall failie and doe in the contrary heirof that they sall be callit and punished as noncommunicants, conforme to the saits acts, and ordains letters to be direct charging officers of armes to pas and make publication heirof be opin proclamatienon at all places neidfull, quherethrow nane pretend ignorance of the same. Followes his Majesteis missive for warrant of the act abonewritten:—

CHARLES R.—Right trustie and wellbelovit cousine and counsellor, right trustie and wellbelovit cousins and counsellors, and right trustie and trustie and wellbelovit counsellors, we greit yow weill.

We have beene informed of a great abuse that has prevailed within those late yeeres in that our kingdome by the disorderlie behaviour of some disobedient people who, leaving their awne parish churches, runne to secke the communion at the hands of suche ministers as they know to be disconforme to good order, whiche is the meanes of their disobeience to our lawes and to interteane a schisme in the churche; the repressing whairof being onelie in our power, it is our expresse pleasure that by opin proclamatien you discharge all suche wandrings of our people frome their awne teachers under pane of our high displeasure; with certification that whosoever sall not communicat in their awne parish churches once at least a yeere sall be callit and punished as noncommunicants according to the act of parliament made therein. Wherein expecting your diligence and for whiche these sall be your warrant, we bid yow farewell. Frome our honnour of Hampton Court, the 20 of October, 1634."

"The Lords continewes their further advising of the processe anent the erecting of the lordship of Torphichin till Thursday nixt."

[Sederunt as recorded above.]

Complaint by Archibald Grant of Dalvey, as follows:—He is informed that he has been put to the horn at the instance of John McAllaster in Callendar for not appearing before their Lordships to answer to the said John's complaint. Now he was never lawfully charged to do so or he would have compeared and cleared himself, but he has found caution in their Lordships' books in 500 merks to compear and answer and to pay £40 as his eschat to his Majesty's Treasurer, principal and depute, if found liable therein. He therefore craves suspension of the horning. Fol. 177, a

The pursuer compearing but not the defender, the Lords suspend the horning.

Complaint by John Bannatyne, apparent of Corehouse, as follows:—

1 This entry is important as proving that a number of ministers had continued to reject the ecclesiastical innovations of Charles and his father even as late as 1634, and that they had a considerable following of the laity throughout the country.
Upon a horning raised by Thomas Lindsay, merchant burgess of Edin-
burgh, against William Bannatyne of Corehous, his father, for non-
payment of certain sums of money, letters were directed by their
Lordships for the rendering of the house of Corehous to the herald or
macer who should execute the same. Mr. William Douglas, macer,
when he came, finding the complainer in the house, charged him as being
a haver to render the same; and he at once obeyed, and delivered the
keys thereof to the macer, who presently has them. But the house is
his own property, and he was in possession thereof by his infeftment
which contains no reservation in favour of his said father, and his right
thereto has never been called in question till this present interruption.
The said Thomas cannot claim one penny from him and he ought not to
be distresses for his father's debts. If the said Thomas can show that
his father has any right thereto, he is ready to find caution to render the
same. But the said house is "ane old ruinous hous, deficient and faultie
bothe in the roffe, lofts and other parts thairof," and, if it stands waste
through this winter without fire, it will be greatly injured. Charge
having been given to the said Thomas Lindsay, and he comparin along
with the pursuer, who produced his infeftment of the said house, the
Lords, after inspecting the same and hearing parties, ordain the said Mr.
William Douglas to deliver to the pursuer the keys of the said house and
fortalice of Corehous to be kept by him as his own house.

"Edward Jonstoun his protection prorogat till the thrid of Junij
nixt."

Supplication by Robert Stirk, sometime messenger in Dumfermline,
as follows:—Their Lordships know how that about a year since he was
warded in the tolbooth of Edinburgh by Mr. Alexander Colville, Justice
Depute, for taking compositions from some assissers in Kirkcaldie to
remain at home. After fifteen days' imprisonment he was prosecuted for
this by his Majesty's Advocate before their Lordships, and the charge
having been proven against Robert Adam, the supplicant's servant, their
Lordships ordained him to repay to the assissers the double of what he
received, and took his blazon from him, depriving him of his office. He
acknowledges his offence and the just procedure of their Lordships
therein, and, as he promised that the like offence should never occur in
him again, so he is persuaded their Lordships did not mean to exclude
him for ever from his charge. Moreover, seeing the offence was not so
much his own as that of his servant, and for it he has been warded,
finned and suspended from his office for almost a year, as also that he is
an old man, and has a family which he can only maintain by his service,
in which, except for that one particular, he has for twenty years past
lived unblameably towards all men, he humbly craves that their Lord-
ships would grant a warrant to the Lyon and his brother heralds to
restore to the supplicant his blazon and repose him to his office of a
messenger. The Lords remit the supplicant to Sir James Balfour of
Kynnaird, knight, Lyon King of Arms, whom they ordain to take trial of his behaviour in his office of a messenger and report to them what favour his carriage therein may merit.

Complaint by John Broun, mason, servant to Patrick Urquhart of Lethintie, for the time, and by the said Patrick for his interest, as follows:—On 9th September last Walter Strachan of Bahaggartie, Patrick Strachan, his son, George Jonstoun there, and others, armed with "Dense axis, harberts, staves and others weapons invasive," came to the town of Lethintie where the said John Broun and other servants of the said Patrick were doing their master's work, and without any offence given they "first mutlat ane of the saids workmen and cruelie persewed the said John Broun of his lyffe with their saids wapons, gave him manie bauch and blae straiks therewith on the head, face, shoulders, and other parts of his bodie, and so birsed and bruised him as he was not able to follow out his masters service." Charge having been given to the said Walter and Patrick Strachan, and George Johnstoun, as parties, and to Gilbert Johnstoun in Lethintie, James Milne there, John Broun at the Kirk of Davie, James Tailseour there, and James Touche in , as witnesses, and the pursuers appearing by George Stewart, their procurator, but neither the defenders nor the witnesses comparing, the Lords ordain both the latter to be put to the horn and escheated for their contempt.

"The whilk day the commissions for the Justices of peace were renewed and choise was made of the persons particularie underwrittin to be Justices of peace within the severall shirefdomes, stewartreis and baillereis atermspecifie, that is to say:—

For the shirefdom of EDINBURGH PRINCIPALL.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sesioun, the Bishop of Edinburgh, the Erle of Lothiane, the Earle of Dalhousie, the Lord Cranstoun, the Lord Constorphine, the Laird of Innerleith, Sir Thomas Thomsoun of Dudingstoun, David Prestoun of Quhythill, William Murrey of Natoun, the Laird of Lugtoun, the Laird of Rosline, Sir James Murrey of Falahill, Sir Patrik Hamilton of Littlepreston, the Laird of Torsons, M' Simon Ramsay, the Laird of Dalmahoy, the Laird of Colintoun, Sir Thomas Hope of Granton, M' Johne Cant of Lawrestoun, Sir William Nisbitt, M' David Mitchell, minister at Edinburgh, the parson of Restalrig, M' Mathow Wemes, minister at Halyrudhous, M' Androw Learmonth, minister at Libbertoun : the Laird of Lugtoun, conveener.

CONSTABULARIE OF HADINTOUN.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sesioun, the Bishop of Edinburgh, the Laird of Prestoun, the Laird of Gosfuird, the Laird of Saltcoitts, the Laird of Wauchtoun, Sir Patrik Murrey, the Laird of Kilspindie, the Laird of Ruchla, the Laird of Hermistoun, the Laird of Elphinstoun, the Laird of Qhitting-
hame, John Sinclair of Steinstoun, William Dick, James Maxwell of Innerweik, the Laird of Congiltoun, Mr Robert Balcanquall, the minister at Dumbar: Sir Patrick Murrey, convenener.

BERTICK.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thessaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, the Laird of Blacader, the Laird of Rentoun, Sir George Ramsay of Wyliecleuche, the Laird of Westniabitt, the Laird of Colbrandepeth, Robert Dicksonne of Bouchridge, Ker of Graden, John Wilkie of Foulden, James Cokburne of Rysala, Edyer of Wedderlie, the minister at Coldingham, the minister at Ednem, the parson of Quhistsome, the minister at Foulden, the minister at Bonkill: the Laird of Renton, convenener.

BAILLERIE OF LAUDER.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thessaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, Haliburton of Mertoun, the Tutor of Schaw, Gilbert Lauder of Qhibaled, Mr Alexander Home of St. Leonards, Charles Lawder of Parke, Walter Riddell of Hugstoun, the minister at Nenthorne, Mr James Burnet, minister at Lawder, and convenener.

ROXBURGH.—The Lord Chancellor, Archbishop of St. Andrewes, the Lord Thessaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, Sir James Pringill of Smailholmcaig, Robert Pringill of Stitchell, William Dowglas of Bonjedburgh, Sir Thomas Ker of Cavers, James Pringill of Buckholme, Andrew Ker of Massindew, Mr George Dowglas, younger of Bonjedburgh, Rutherfield of Hunthill, the minister at Melros, the minister at Cassiltoun, the parsonof Ancrem, the minister at Kelso, the minister at Yettam: the Laird of Bonjedburgh, convenener.

SKELKIRK.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Archbishop of Glasgow, Sir William Soot of Harden, Sir John Murray of Philiphauche, George Pringill of Torwodlie, Andrew Riddell of Hayning, John Murray of Syndhope, Robert Soot of Hartwoodmyre, James Pringill of Quhytanke, Hew Soot of Galloscheillis, the minister at Kelso; Sir John Murray, convenener.

PEEBLES.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Lord Yester, James Geddes of Rachen, James Hay of Smithfield, James Naismith of Posso, Sir David Murray of Stenhops, Jonas Hamilton of Quotquot, Mr James Lawson of Carmure, George Cranstoun of Glen, William Weitch of Dawick, Mr Theodore Hay, archdean of Glasgow: Mr James Lawssoun, convenener.

LANARK.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Laird of Minto, the Laird of Torrence, Sir Archibald Stewart of Castlemilk, the Laird of Roploch, John Dunlop of Garnkirk, John
Hamiltoun of Orbistoun, Sir James Somervell of Cambusnethen, Sir James Hamiltoun of Broomhill, the Laird of Calderwod, the Laird of Lee, elder, the Laird of Stanebyres, the Laird of Lamingtoun, the Deane of Glasgow, Doctor Walter Quhitfur'd, subdeane, Doctor Robert Hamiltoun, minister at Glasfurd, the minister at Lesmahago, the principal of the collegde of Glasgow: the Laird of Torrance, convenner.

DUMFREIS.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Quenisberrie, the Lord Hereis, Lord Dalyell, the Laird of Lag, Robert Crichtoun of Ryhill, Mr Samwell Kilpatrck of Auchinleck, the Laird of Amisfield, the Laird of Conhaith, Robert Maxwell of Portrak, John Dalyell of Newtown, Johne Dowglas of Killiwarran, Archibald Maxwell of Cowhill, the minister at Dumfreis, the parson of Sanquhar: the Laird of Lag, convenner.

ANNERDAILL.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Erle of Quenisberrie, the Lord Hereis, the Lord Johnstoun, Robert Maxwell of Dinwiddy, James Johnstoun of Corhead, Edward Johnstoun of Ryhill, Robert Charters of Bodisbeg, Mr Johne Alexander, parson of Hoddom, Mr G. Buchannan, minister at Kirkpatrik juxta: Edward Johnstoun, convenner.

WIGHOUN.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Counsell and Sessioun, the Erle of Cassillis, the Earl of Galloway, Andrew Agnew, appearand of Lochnaw, the Laird of Garthland, Hew Gordoun of Grange, Alexander Gordoun of Auchlaine, John Murrey of Brouchtoun, Johne Gordoun of Bathskoeche, Uechrid Mc'Dougall of Frewche, John Kennedie of Knockdaw, Gilbert Neilson of Craigcaffie, the minister at Stanykirk, the minister at Quitterne, the minister at Monygaff: the Laird of Garthland, convenner.

KIRKCUDBRIGHT.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Bishop of Galloway, the Lord Kirkcu'dbright, Sir Patrik M'Ckie of Larg, James Chalmers of Gatgirth, Mr Gilbert Gordoun of Schirmes, Alexander Gordoun of Erlestoun, Johne Maxwell of Threemerkland, William Greirson of Bachtoun, Thomas M'Clellane of Chappeltoun, William Glendonning of Logane, William M'Adam of Waterheid, the minister at Kirkanders, the minister at Terregles, the minister at Partan: Sir Patrik M'Ckie, convenner.

LINLITHGOW.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Edinburgh, the Lord Torphichin, the Laird of Dundas, younger, the Laird of Rickartoun, Laird of Bonhard, Mr Alexander Hamiltoun of Kinglas, Thomas Dalyell of Binna, Mr Johne Scharp of Howstoun, Walter Murrey of Livingstoun, Mr Johne Drummond of Wodcockdaill, Mr Robert Boyd of Kippis, James Inglis of Inglestoun, Johne Dundas of Newlistoun,
M' George Hannay, minister at Torphichin: the Laird of Newlistoun conveenner.

STIRLIN.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Bishop of Edinburgh, the Laird of Keir, the Laird of Fintrie, the Laird of Pownais, M' William Cuninghame of Broomhill, Sir James Bruce of Balfouls, Alexander Bruce of Alva, Livingstoun of Westquarter, M' Thomas Nicolsoun of Carnok, the parson of Fawkirk, the minister at Gargunnoch, the minister at St. Ninians, the minister at Donypace, the minister at Kippen: the Laird of Polmais, conveenner.

KYLESTUART.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lord Lowdoun, the Laird of Craigewallace, the Laird of Caprintoun, the Laird of Dreghorne, William Stewart of Halrig, Harie Stewart of Barskimming, Foulertoun of Corsebie, Allane Catheart of Broomhill, William Wallace of Elleralie: the Laird of Caprintoun, conveenner.

CARLCT.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Erle of Casallis, the Laird of Ardmilane, the Laird of Barganie, elder, Montgomery of Brigend, David Crawford of Kers, David Kennedie of Kirkmichell, Sir Alexander Kennedie of Culzeane, Walter Kennedie of Knockdon, Thomas Boyd of Pinkhill, M' Johne Chalmers of Sauchrie, Cathcart of Waterheid, John Corrie of Kielwod, the Laird of Kilcerrane. M' Rawfe Weir of Bennen, M' Gilbert Ros, minister at Cammonnell: the Laird of Culzeane, conveenner.

CUNNINGHAME.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Erle of Eglintoun, the Lord Boyd, the Laird of Blair, the Laird of Cunninghamheid, the Laird of Bowallan, elder, the Laird of Kilbirnie, the Laird of Skelmurelie, Montgomery of Hessilhead, Alexander Cuninghame of Corshill, the Laird of Kelvin, Hew Ker of Kersland, the Laird of Dunlop, James Cuninghame of Aikett, Johne Crawford of Crawfurdland, Thomas Nevin of Monkredding, the minister at Kilmarnock: the Laird of Blair, conveenner.

DUMBARTAN.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Lords of Secret Counsell and Sessions, the Laird of Ardincaple, John Naper of Kilmahew, the Laird of Foulwod, younger, the Laird of M'Farlan, younger, Umphre Noble of Ardardane, Arthure Darleith of that Ilk, of Ballarmenich, the minister at Rosneith: the Laird of Ardincaple, conveenner.

BUTE.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Seale, the Archbishop of Glasgow, the Laird of Skelmurelie, younger, Paul Hamilton, captane of Arran, Hector Bellenden of Kames, Ninian Stewart of Kilkattane, Johne Stewart of Eekog, Ninian Cuninghame of
Scoulack, Johne Campbell of : the Laird of Kilkattan, Justices of Peace, 1612-1639.
conveneer.

Fyffe.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Erle of Rothes, the Erle of Wemes, the Lord Lindsay, the Lord Balcarres, the Laird of Newton, the Laird of Lundie, the Laird of Airdrie, the Laird of St. Monans, elder, the Laird of Erlasshall, the Laird of Rese, the Laird of Balfoure, the Laird of Pitfiirene, the Laird of Fordell, the Laird of Cleische, the Laird of Pittodie, the Laird of Balvaired, the Laird of Auchinmowtie, M' Peter Hay of Nauchtoun, Alexander Narne of Sandfurde, Sir James Scot of Rossie, M' Alexander Gibsoun of Largo, M' Andro Aittoun of Logy, the Archdeane of St. Andrewes, the parson of Craill, the minister at Dumfermline, the minister at Merkinche, the minister at Sawline: the Laird of Balvaired, conveneer.

Perth.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Atholl, the Vicount of Stormont, the Laird of Clakmannan, the Laird of Inchemartine, the Laird of Baltheyock, the Laird of Meginche, the Laird of Pitfioure, Sir Patrick Hay of Leyes, William Kinman of Hill, the Laird of Kethick, younger, the Laird of Balki, the Laird of Gormock, the Laird of Glenurqhy, the Laird of Weme, the Laird of Lawers, the Laird of Strowan Robertsoun, the Laird of Glenlyoun, the Laird of Garnetullie, M' Robert Narne of Strathurd, Sir Johne Prestoun of Walifeild, the Laird of Moncreiff, Sir Johne Moncreiff of Kynmont, the Laird of Balmedie, the Laird of Duncrub, the Laird of Glennigeis, the Laird of Ardoch, the Baron of Achyle, the minister at Perth, the Deane of Dumblane, the minister at Aberuthven, the minister at Teallin, the minister at Megill, the minister at Rattray, the minister at Cluny, the minister at Dunkelden, the minister at Kinclevin, the minister at Forgandenny, the minister at Madertie, the minister at Killinny, the minister at Keappet: the Laird of Inchemartine, conveneer.

Forfar.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Brechin, the Lord Ogilvie, the Lord Spynie, the Lord Cowper, the Constable of Dundie, the Laird of Ethie, the Laird of Din, the Laird of Bonymoone, the Laird of Fintrie, the Laird of Bontoun, the Laird of Powrie Fothringhame, the Laird of Aldbar, the Laird of Edyell, younger, the Laird of Strickmartine, the Laird of Innerquhartrie, Durhame of Pittyarrow, Halyburton of Killour, Harie Mauld of Dumbarro, the Laird of Panmure, the person of Kinnell, the minister at Glame, and M' William Malcolme, minister at: the Constable of Dundie, conveneer.

Aberdeen.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Erle of Buchan, the Erle
of Dumfermeline, the Bishop of Aberdeen, the Lord and Maister of Forbes, the Lord Pitaligo, the Laird of Drum, the Laird of Monymusk, the Laird of Clany, the Laird of Caikiben, the Laird of Kenmaw, the Laird of Pitmedden, the Laird of Fendracht, the Laird of Tolquhoun, the Laird of Ludquharne, the Laird of Phillorth, younger, the Laird of Cremondmogat, Donnald Ferquharson of Monaltrie, the Laird of Streachin, younger, the Laird of Skeene, the Laird of Towybarclay, the Laird of Auchmedden, the Laird of Lesmoir, John Udnie of Newburgh, the Laird of Foverne, Thomas Forbes of Watertoun, the Laird of Pitfodellis, the goodman of Buckie, younger, the Laird of Geisht, younger, the Laird of Haddo, the Laird of Lethingie, Patrik Maitlane of Achinreiff, the Laird of Ballaggartie, the Laird of Leslie Forbes, the Laird of Newtoun, the Laird of Birkinbog, the Laird of Meldrum, the Laird of Haughtoun, Walter Forbes of Thainstoun, the Laird of Cragiewar, Irwing, elder, of Ardtamfoord, the Laird of Glenkindie, Alexander Forbes of New, George Leslie of Kinorangie, younger, William Gordoun of Terperrie, John Ferquharson, elder, of Invercauld, Robert Ferquharson of Finzeane, the minister at Bathelvie, the minister at Birs, the minister at Anfrud, the minister at Daviott, the minister at Turreff, the minister at Lonmay, the minister at Logybuchan, the minister at Forge, the minister at Kinbetock, the minister at Kenmay: the Laird of Kenmay, conveener.

BAMF.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Scale, the Lords of Counsell and Sessoun, the Erle of Buchan, the Bishops of Aberdeen and Murrey, the Lord Deafurde, George Hay of Rannas, the Laird of Birkinboig, the Laird of Bamff, the Laird of Fendracht, the Laird of Carnowssie, the Laird of Auchmedden, Patrik Stewart of Kinmauchline, the goodman of Ballindallach, Walter Grant of Findoun, Alexander Adamsoun of Brakie, M' George Leslie in Cullen, M' John Logie, minister at Ruthven, the minister at Mortlack, the parson of Aberlour, the person of Keith: the Laird of Balvenie, conveener.

ELGIN, FORRES, AND NARNE.—The Lord Chancellor, the Lord Thesaurar, the Lord Privie Scale, the Lords of Counsell and Sessoun, the Earle of Murrey, the Earle of Seaforth, the Earle of Elgin, the Bishop of Murrey, the Lord Lovat, the Laird of Inneis, John Inneis of Leuchars, Robert Leslie of Finrassie, the Tutor of Duffus, Thomas M'Keinyie of Pluscardin, James Spence of Kirkton of Alves, the Deane of Murrey, the Chantour of Murrey, M' William Cumine of Carneside, James Dunbar of Boigs, Robert Dunbar of Burgie, Alexander Dunbar of Grange, Niniane Dunbar of Grangehill, Alexander Brodie of Lethin, M' Samwell Falconner of Kincorth, Huechoun Ros of Kilraack, William Ros of }

d David Hay of Park, John Hay of Knockowdie, the commissar of Murrey, the person of Duffus, James Dunbar of Dumphaill: the Laird of Finrassie, conveener.
INNERES.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Earle of Seafort, the Lord Lovat, the Bishop of Ros, the Laird of Grant, the Baron of Kilrass, the Laird of Streachin, elder, the Laird of Tarbet, the Laird of Embo, Sir Donnald Mc Donald of Slait, John McCloud of Dinvegane, Alexander Baillie of Dunneane, Hew Fraser of Belladrum, Alexander McKenzie of Coull, David Ros of Pittculane, Hew Ros of Tollie, Rorie McKeinyie of Ridcastell, the parson of Kingussie, the minister at Innernes, the Deane of Ros, the Chancellor of Ros, the minister at Killair, the minister at Dingwell, the minister at Kintaill, the minister at Lochchalese: the Laird of Streachin, conveenner.

ARGOILE AND TARBE.—The Lord Chancellor, the Lord Thessaurar, the Lord Privie Seale, the Lords of Counsell and Sessioun, the Bishop of Argil, the Laird of Ardenlawes, the Laird of McLauchlane, the Laird of Ottir, the Captaine of Dinnune, the provest of Kilmune, the Laird of Auchinbrek, the Laird of Dintrune, the Laird of Barbrek, Hector McNeill of Thyneis, the Laird of Glenfallach, the Laird of Loup, the Laird of Senda, Archibald Campbell of Glencarradell, the Captaine of Skipiscce, the Laird of Calder, younger, John McDougall of Donnoley, the Captaine of Dumstafnes, the Laird of Lochinell, the Pryor of Ardchattane, the Laird of Rara, Sir Donald Campbell, Duncan Campbell of Ballinay, Hector McClain of Dowart, Sir Lauchlane McClaine, the Laird of Lochbue, the Laird of Coill, Allan McClaine of Ardgowr, Hector McClane of Kingarlock, John Camron of Lochiell: the Laird of Glenfallach, conveenner.

Edinburgh, 27th November 1634.

The Lords continewes their forder advising of the processe anent the erection of the lordship of Torphichen till the 4 of December nixt.

James Gordon of Letterfourie to keep ward within Edinburgh and the Canongate.

Act against persons who surreptitiouslly sell tobacco without licence.

Sederunt—Bishop of St. Andrewes; Privy Seal; Glasgow; Murrey; Wintoun; Perth; Wigtoun; Lauderdale; Dumfreis; Tracrique; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Bining; Melvill; Naper; Master of Elphinston; Clerk of Register; Advocate; Sir James Baillie.

“Foreseake as altho there has beene diverse acts of Counsell and proclamations published according to his Majestis severall directions for ordering the sale of tobacco within this kingdome, ytt his Majestis service is still hindered as well by the sinisterous practises and evill example of some persons, who, being thameselfes obstinatlie averse frome admitting his Majestis ordinances, doe still seeke to frustrat
his Majestie's service and dissawes others by indirect subterfuges to doe the like, who in hope to avoid the danger of contraventioin if they doe not transgress in their owne persons seeke to delude the proclamations by employing their children, servants and others unresponsible persons to sell without licence, or by extraordinarie rates upon meate, drinke and others commodities taking recompence for their tobacco: For preventing and obviating of quhilks sinistrous practises his Majestie, with advice of the Lords of his Secret Counsell, ordeins that all delinquents in these or anie other kyndes, whereby his Majestie's service is hindered, shall be conveeneed ather before the said Lords of Privie Counsell or others neerest convenient judicatores and shall be severelie censured according to the nature and qualitie of their severall offencnes; and alsua ordeins that all maisters of familie shall be answerable for their children, servants and others that shall happen to sell tobacco directlie or indirectlie to their use and that all recompence takin for tobacco shall be repuete and punished as vendition: as alsua that suche persons as contraveene and are not resonsable for the penaltie shall be punished with imprisonment or other arbitrarie pane; and that letters be direct to make publication heirof be opin proclamation, wherethrow none pretend ignorance of the same. Follows his Majestie missive for warrant of the act abone-writtin:—Charles R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors, right trustie and trustie and weilbelovit counsellers, we greit yow well. Whereas by the inclosed petition, as yow will perceave, we are informed of diverse sinistrous practises tending to the hinderance and deluding of our ordinances tuching the sale of tobacco in that our kyndgome, our pleasure is that not onelie in the points of that petitioun but generallie in all things which our commissioners shall from tyme to tyme reasonable desire yow give thame your readie assistance for advancement of that our service and punishment of all suche as directlie or indirectlie shall be found to transgressse that we may nither be disappointed of the benefite to arise thereby unto us nor our loving subjects of the good of the intended reformation. Wherein expecting your serious care, as yow will doe us acceptable service, we bid yow farewell. From our court at Whithall, the 20 of November, 1634.”

“Forsamekle as the Lords of Secret Counsell ar informed that Adam Commission to the sheriffs of Aberden, Banff, Elgin, Forres, Nairn, and Inverness, to raise all sodde person within their bounds and to pursue Adam Gordon, brother to John Gordon, elder, John Gordon in Rothemay, Alexander Leith, brother to John Leith of Harthill, William Ros, son to John Ros in Balliuet, and others, who

McGillivorie, servitor to John Gordon of Park, and
M'Ababler, servitour to
and committers of the lait disorders and insurrections in the North and of the heirships, depredations, fireraisings and others disorders upon the Laird of Fendraucht his tennents and servants, whois hail goods they have lifted, laid their lands waist and hanged one of the poore tennents upon the gallowes of Strabogie, and with ane hand of rebellion they have resolved to make thameselfes maisters of the said Laird of Fendraucht his haill estait, and to possess thameselfes therein and to keepe the same by strenth of armes, in contempt and defiance of law and justice, being assisted in their disorders and rebellious courses by numbers of brokin Hielandmen and others with whom they goe up and doun the contrie ravaging and oppressing his Majesteis good sub-
jects and in speciall poore ministers who ar not of power to oppose their violence, and that in so hostile and terrible ane manner as the like has not beene heard at anie tyne hereetofore, to the disgrace of his Majesteis governement and to the shame and reproachment of his Majesteis officers and others his Majesteis subjects of power, auctoritie and commandement within whois bounds thir rebellious persons resort, and whois dewtie it is in their alledgeance to his Majeste and respect to the peace and quyet of the contrie to have repressed the disorders of thir rebellious persons. Thairfoir, the Lords of Secret Counsell ordains letters to be direct charging the shireffs of Aberdein, Bamf, Elgine, Forres, Narne and Inernes to conveene and raise in armes the hail noblemen, gentlemen and others sensible persons within thair severall jurisdictions and to pas, follow and persew the persons particularie abonewritten and all other brokin men being in thair companie where ever they may be apprehendit within thair saids bounds, and to exhibite and present thame to his Majesteis Justice to underly their deserved punishment, under all highest pane that the saids shireffs, noblemen and others his Majesteis subjects may incurre incaise of their disobedience and neglect and foreshowing of this service; with power to the saids shireffs and others forsaides, for the better apprehension and exhibition of the saids persons, to raise fire, beare and weare hacquebutts and pistoletes, assiege houses, and to doe and performe all and everie other thing requisite and necessar for thair said apprehension and exhibition, notwithstanding quhatsoever lawes, acts or statuts made in the contrare whereanent and all panes conteinat therein and all slaughters, mutilations, fireraisings and others inconveniences quhilks sall happen to fall out in the person of the saids rebellious persons and thair assisters the saids Lords dispenses be thir presents, exonerating the saids shireffs, noblemen, gentlemen and others his Majesteis subjects thairof and of all crime and danger they may incurre therethrow: firme and stable halding and for to hald all and whatsomever things sall be lawfullie done heerin, charging heirby all his Majesteis lieges whatsoever and in especial the inhabitants of the burrowes of Aberdein, Bamf,
Elgine, Narne and Inners, everie ane of thame within thair awne bounds and jurisdictions, to rise, concurre, fortfie and assist the saids shrieffs in all and everie thing tending to the apprehension of the saids rebellious persons under all highest pane and charge that after may follow and under the pane to be persewed and punished as approvers and allowers of the saids rebellious persons and thair courses with all rigour and severitie."

"Forsamekle as the Lords of Secret Counsell ar informed that Adam Gordoun, brother to Johne Gordoun of Parke, Alexander Gordon, yonger of Innermerkie, Williame Gordon, sone to Gordon of Gollache, Johne Gordoun, sone to Thomas Gordoun of Artlache, Gordon, sone to Patrik Gordon in Sutherland, Gordon, sone to George Gordon of Achinhanach, Nathaniel Gordoun, sone to Ardlogie, Robert Gordoun, brother to the Laird of Geicht, elder, Johne Gordoun in Rothemay, Alexander Leith, brother to Harthill, William Ros, sone to Johne Ros of Ballivet, McGillivorie, servitour to Johne Gordoun of Parke, McAbrabler, servitour to , ar the authors and committers of the heirships, depredations, fireraising and slaughters wherewith most parts of the north countrie have beene heavilie infested; and the Lords of Secret Counsell, being carefull that all lawfull wayes and meanes be used for thair apprehension and exhibition to justice, thairfor ordains letters to be direct to command, charge and inhibite all and sindrie provests and bailleis of burrowes and sea touns whatsoever, and all maisters and awners of shippes, skippers and mariners, that nane of thame presosome nor tak upon hand to receave or transport in thair shippes or others vessells anie of the persons abonewrittein furth of the countrie, but if anie of thame sall happin to come to be shipped and transported that they take and apprehend thame and commit thame in waerd till forder order be givin anent thair truyl and punishment as accords; commanding heirby all customers and searchers to caus diligent attendance be givin at thair seaports that nane of the saids persons be imberked nor transported bot that they be takin and committed as aforesaid under all highest pane and charge that after may follow againis the saids provests, bailleis, maisters and awners of ships, customers and searchers."

Sedacion—St. Andrewes; Privy Seal; Glasgow; Erroll; Wintoun; Edinburgh, Perth; Dumfreis; Southeisk; Tracquaire; Bishop of Ros; 1st December 1634.

Bishop of Dumblane; Clerk Register; Advocate; Sir James Baillie.

"The Lords of Secret Counsell, according to aue warrand and direction signe in writt signed be the King Majestie and this day presented to the saids Lords, receave and admitt Sir James Carmichael of that Iik, knight, Justice Clerk of this kingdome, to be one of his Majestie Privie
Counsell of the said kingdome, and to bruike and injoy all honnours, digniteis, priviledges and immunitieis proper and dew to that place; lykeas the said Sir James, being personallie present and acknowledging with all dew reverence his Majestie royall favour shawin unto him in preferring and advancing of him to this place of honnour and dignitie, he in all humilitie upon his knees, his hand lying upon the halie evangell, made and gave the oath of alledgedance and of a privie counseller. Followes his Majestie missive for warrant of the act abone-written:—CHARLES R.—Right trustie and weilbelovit cousine and counseller, right trustie and weilbelovit cousines and counsellers, and right trustie and trustie and weilbelovit counsellors, we greit yow weil. Understanding the abilities and affection to our service of our trustie and weilbelovit Sir James Carmichell of that Ilke, knight, our Justice Clerk of that our kingdome and one of our suears, [sic? ushers] and being willing for his better enabling and encouragement to our said service to promote and advance him to be one of our Privie Counsell thairof, our pleasure is that, having administrd unto him the oath accustomed in the like caises, yow admitt him upon our said Privie Counsell, receiving him to be one of your number, for whiche these presents sall be your warrant. Givin at our honour of Hampton Court, the 14 of October, 1634."

"The whilk day ane letter, signed be the Kings Majestie and direct to the Lords of Privie Counsell, requiring three of the senators of the Colledge of Justice, whome the bodie of that judicatorie sould make choise of, to be appointed assesseors for assisting William, Erle of Erroll, whome his Majestie hes nominat to be cheifie justice in the tryell of the Lord Balmerinoch, being presented to the saids Lords and read in their audience, the saids Lords desires John, Erle of Tracquair, and John, Bishop of Ros, to present the letter foresaid the morne to the Colledge of Justice and to report thair answer therethan, lykeas the said letter wes delyvered to the said Erle of Tracquair."

"The whilk day the Lords of Secret Counsell ordains and commands the provest and bailleis of Edinburgh, who was personallie present, to provide a garde and to have the same in readines upon Wednesday nixt for keeping of peace and good order within thair burgh, and ordains thame to repaire to the Castell of Edinburgh the said day at the accusstomed houre and to receave from the constable thairfo of the Lord Balmerinoch and to convoy him saifelie thence to the laich tolbuith of Edinburgh where he is to be impannelled for the crimes conteanit in his dittay, and that they attend in and about the tolbuith and return the said Lord saifelie backe to his waird, according as they sall be directed be the Erle of Erroll, cheifie justice in this tryell."

Sedentur—Privy Seal; Glasgow; Wintoun; Perthe; Wigtoune; Denderdaill; Dumfreis; Southesk; Binning; Bishop of Dumblane; Sir James Baillie.
Complaint by William Burdoun and Patrick Wright, servitor to the Laird of Cromelix, as follows:—About May last Donald McConnachie VcCoul MGregour, alias Donald Mienst, a common thief, was apprehended with a fang of some stolen goods and brought before Walter Buchanan of Drumkill, bailie depute of the regality of the Lenox, for trial and punishment. But against the duty of his place the said Walter dismissed the thief, who has ever since continued in his thievish trade and has lately stolen from the complainers four horses and mares. As this is owing to the said bailie's oversight he ought to present the thief before their Lordships to the end order may be taken with him. Charge having been given to this effect to the said Walter Buchannan, and the pursuer comparing but not the defender, the Lords ordain the latter to be put to the horn for his contempt.

Supplication by Thomas Gordoun of Dilspro, as follows:—He is engaged in certain sums of money for some of his friends of which he can obtain no relief, and has several important actions depending before the Lords of Session for improbation and reduction of some comprises wrongfully led against him, and he designs to sell certain of his lands for the satisfaction of his creditors, but he dare not go about without their Lordships' protection, which he accordingly craves. This the Lords grant until the last day of March next.

Complaint by Mr. James Law, Keeper of the Signet, as follows:—Complaint by Mr. James Law, Keeper of the Signet, against George, Earl of Caithness, for not paying to him a yearly pension of eight rolls of malt or £4 as the price of each roll, and that for each year since 1594, in terms of a letter of pension granted by the said Earl to James Law, Snadoun Herald, the complainer's father, and assigned by him to the complainer. But the said Earl pays no heed to the said horn. Charge having been given to the said Earl, and the pursuer appearing by Alexander Hay, his servant, but the defender not comparing, the Lords ordain the said Earl to be charged by the Sheriff of Caithness, under the pain of treason, to render his house of which the said sheriff and his deputes are to keep, and make inventory of the contents thereof, and report the same to his Majesty's Treasurer.

Supplication by Sir George Ogilvie of Carnousseis, knight, as follows:—Supplication by Sir George Ogilvie of Carnouisie for protection that he may settle with his creditors. In order to satisfy his creditors he agreed lately with some gentlemen for the sale of his lands, to which he is necessitated not only by his own debts but by being cautioner for his brother-in-law, the Laird of Clunie; but his enemies, taking advantage of his distress and “intending to force him to sell his lands for halfe nocht, have moved some of the bargainers to resile from their agreement so as he cannot at this terme get moneyes for his lands.” He therefore craves their Lordships' protection for a time, and this the Lords grant till Whitsunday next.
The whilk day the missive letter underwrittin, signed be the Kings Majesty and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the whilk the tennour followes:

—CHARLES R.—Right trusty and weilbelovit cousine and counsellor, right trusty and weilbelovit cousines and counsellors, and trustie and weilbelovit counsellers, we gret yow well. Whereas at the tyme of our late Parliament holdin in that our kingdome we wer pleased to remitt to yow a petition than exhibited tuichinge some insolenceis bursting out in the Highlands and some of the northerne parts thairof, to whiche purpose we have since writtin unto yow at several times; and now being credible informed that suche insolenceis and troubles ar come to a greater hight, to the great hurt of our good and peaceable subjects and to the great contempt of our auctoritie and lawes, we ar heirby pleased againe seriouslie to recommend unto your care to see our acts of Parliament tuicheing the repressing of suche disorders putt in dew and tymeless executioun and to omitt nothing that may curbe the same ather by meanes of the executioun of these acts or as yow sall think most fitt to conduce to that purpose whereby our peace may be preserved and all our good subjects fred of farther troubles and feares in that kynde, assuring yow that frome tyme to tyme upon your advertisement we will be ayding and assisting unto yow in what may concerne that purpose. We bid yow farewell. Frome our court at Whitehall, the 24 of November, 1634."

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 the tennour followes:

—CHARLES R.—Right trustie and right weilbelovit cousine and counsellor, right trustie and right weilbelovit cousines and counsellers, right trustie and trustie and weilbelovit counsellers, we gret yow well. Being informed that ar some who have presoomed of late to vent within that kingdome not onelie the farthingis of this kingdome formerlie (as we ar certanlie informed) discharged by act of Counsell there and proclamations following thereupon to have vent in that countrie, yea and, as is probable, suche farthingis as for their insufficiencie is not permitted to have course heir, bot also false and counterfooted turnours, to the high contempt of our auctoritie royll; thairfor for the preventing of the increasse of this abuse and punishment of suche as ar or sall be found guilitie of the same our pleasure is that where ever anie of the coyners of the saids counterfooted turnours or of the English farthingis sall be found, or anie of the imbringers or first venters and dispersers of
thame amongst the people, they be strictlie and exemplarlie punished according to the nature of their fault, and that the one halfe of the benefit to arise ather by their confiscations or fynes sall be for the use of the discoverer and the other for our owne, as we sall be pleased to dispose of it; insertinglyke wayes in the said proclamatioun suche clauses and strict commands as may caus the use of these unlawfull and prohibited coyennes instantlie to ceasse amongst the people, with certification of suche punishment or fynes upon the contraveenners as yow sall thinke expedient for the strict observation of what yow sall thinke fitting to ordaine for the reformation of the said abuse. All whiche seriously recommending to your earnest and speedie care, we bid yow farewell. Frome our honour of Hampton Court, the 13 of October, 1634."

"The whilk day the act of Exchequer underwrittin, subscriyed be Sir John Hay of Baro, knight, Clerk of our Soverane Lords Registers and Rollis, being exhibite to the Lords of his Majesties Privie Counsell and read in their audience, and the saids Lords perceaving cleerelie by the expresse words and tennour of the said act and of his Majesties letter direct to the Lords Thessaurar, principal and deputie, thereanent, whilk is the ground and warrand of the said act, that it is his Majesties gracious will and pleasure that the said letter or suche others acts as sall be made thereupon sall be insert and registrat in the bookes of Privie Counsell for the further securitie and satisfaction of the Erle of Stirling or suche as he sall bargane with anent the coyning of the sax thousand stone weight of copper in maner specefeit in the said act; thairfoir the Lords of Secret Counsell, in humble obedience of his Majesties gracious will and pleasure in this mater, hes ordained and ordains the said act of Exchequer to be insert and registrat in the saids booke of Privie Counsell, of the whilk the tennour followes:—At Edinburgh, the twenty sixt day of November, the yeere of God jnvo threttie foure yeeres, the whilk day in presence of the Lords of Exchequer, sitting in full number, his Majesties letter underwrittin, direct to the Erles of Mortoun and Tracquaire, Treasurers principal and deputie of the kingdome of Scotland, was presentit, whairof the tennor followes. Sic suprascribitur, CHARLES R.—Right trusitie and weilbelovit cousines and counsellours, we greit yow weill. Whereas in consideration of a precept of six thousand lb. sterline grantit by our late deir father to our right trusitie and weilbelovit cousine and counsellour, the Erle of Stirlin, our principall Secretar, for good and faithfull services done by him, and of a warrand of ten thousand punds grantit by us to him upon verie good considerations as may appeare by the same, we wer pleased to grant to him the benefite arising by the coynage of the copper money within that our kingdome for the space of nyne yeeres and further till he sould be completlie payed of all soumes whatsoever dew by us unto him; now to the effect our said servant may have the more assurance to make bargane with others anent the said benefite for his releffes and that there may be a
certane tyme appointed for his payment and for our having the benefite of the said coyne to returne to us, we doe heirby ratifie unto him his grant of the hail benefite arising dew to us by that copper coynage during the tyme yitt to runne of that his patent, and it is our speciall pleasure that yow grant a warrand suche as sal be requisite for the coynage of six thousand stone weight of copper without intermission immediatlie after the ending of the coynage of 1500 stone weight presentlie in hand and for continewing of the coynage (after the full perfitting of the said sax thousand stone) from yeere to yeere for the accustomed quantitie as wes coynned these twa yeeres past and that during the whole time yitt to runne of his patent if there sail anie of it remaine after the full perfitting of the coynage of the said 6000 stone, and that yow give order to our Advocat for drawing up a sufficient discharge of the saids two precepts to be signed by our said servant, with a discharge to him from us of his intromission with anie benefite arising by that coynage during the time past or to come of his patent (of the whiche we doe heirby likewise discharge him) and that without anie accompt to be made unto us or anie in our name for the same in regardes of his discharge of the saids two precepts; and that yow caus register this our letter or make suche further acts in Counsell or Exchecker as may be most expedient for the further securifie and satisfactioun of our said servant or suche as he sail have occasion to treate or bargane with for making his best advantage of this our gracious intention towards him; for doing whereof these presents sail be unto yow and unto thame sufficient warrand. We bid yow farewell. From our court at Theobalda, the 18 of September, 1634. Quhilk letter being heard, scene and considerit be the saids Lords and being therewith rypelie advised they ordained the same to be insert and registrat in the booke of Exchecker. Extractum de libris auctorum Scaccarii per me Dominum Joannem Hay de Baro, milesum, clericum rotulorum registri ac Consili S. D. N. Regis sub meis signo et subscriptione manualibus. Sic subscribitur, J. Hay, Cts. regri.

"The Lords continewes the advising of the processe anent the erection of the lordship of Torphichin till this day sucht dayes."

[Decretal as recorded above, omitting Dumfries.]
fault with his doings, avowing to kill thame with his axe if they spake anie farder of that mater to him." The pursuer compearing by John Dunlop, her procurator, and the defender being also personally present, probation was referred to his oath of verity when he confessed that he came to the pursuer's stable at the time stated and took down two boards which he had himself put up for keeping two horses separate there. The Lords find that the defender has done wrong in entering the pursuer's stable without her permission, and ordain him to find caution in the books of Privy Council to enter himself in ward in the tolbooth of Glasgow before Thursday next, the 11th instant, at night, and there remain until he move some of the bailies of Glasgow to go in his name to the pursuer and show her that he is to come to her and crave her pardon on his knees. This having been done, the Lords ordain the provost and bailies of Glasgow to liberate him; and also to do so if the pursuer refuse his offer; and that within forty eight hours of his making the same. For fulfillment hereof, Nisbet, father of the said Herbert, enacted himself under the penalty of £100.

"The quhilk day the laird of Fendracht exibitie to the Counsell some letters from his ladie and minister bearing that Adame Gordoun accompanied with a number of foote and horse had sett fire in the barnyard of Fendracht and brint all the cornes being thereinntill and had lykewise sett fire to the hous and spoyled the haill tennents and layed the bounds waist."

"The Lords desires the Erle of Dumfries to advise betuix and Tuisday if he will accept of a commission of lieutenantry for suppressing the late insurrections in the North and for that effect that he confer with some of his Majesteis Counsell and suche noblemen and gentlemen in the North as ar presentlie in the town anent the meanes and wayes of prosecution of the service."

"The quhilk day the Bishop of Dumblane made intimation to the Counsell that he would celebrate the communioun upon Sunday next."

Sederunt—Bishop of St. Andrewes; Glasgow; Winton; Perth; Wigton; Lauderdaleil; Southesk; Dumfreis; Bishop of Ros; Bishop of Dumblane; Lord Bining; Naper; Master of Elphinston; Clerk Register; Sir James Baillie.

"Anent our soverane lords letters direct makand mentiou that where the Lords of Secret Counsell ar informed that great numbers of sorner and brokin men of the Clangregour, Clanlauchlane, Clannaninal, and others brokin clane in Loquahber, Stradoun, Glencoe, Bramar, and others appear before the Council to answer for the disorders in the North, parts of the Hielands, as also diverse of the name of Gordoun and their dependers and followers in the incountrie have this long tyme bygane and now latelie verie greevouslie infested his Majesteis good subjects in the north parts, especiallie the Laird of Fendraucht and his tennents, by
frequent depredations, slaughters, heirships and barbarous cruelties committed upon thame and by ane late treasonable fire raising within the said Laird of Fendrauchts bounds, quhereby not onlie is the gentlemans lands layed waste, his hall goods and bestiall spoyled, slaine and mangled, some of his servants killed and cruellie demaynyned, but also the hall tennent's of his lands and domesticks of his hous have left his service and lands and himselfe with the hazard of his life has beene forced to stole away under night and have his refuge to the Lords of Privie Counsell; and thir disorders ar growin to that hight that almost nowhere in the north countrie can anie of his Majesteis subjects promise saiftic to their persons or meanes, the breake of his Majesties peace in these parts being so unversall and fearfull as the verie burrowes and touns themselffes ar in continuall danger and fear of some sudienne surprise by fire or otherways from thir brokin men. And the Lords of Privie Counsell in this so deplorable estait of the countrie, finding it thair boundin dweitie to use all meanes possible for preserving the honour and credite of his Majestie his auctoritie and lawes and reparatioun of the losses of his distressed subjects, they have thairfoir resolved upon trow information of the authors of thir disorders, thair abatters and ressetters to take suche examplar order thereanent as the delinquents maie underly thair deserved punishment and his Majesteis peaceable subjects be repaired in thair losses and in tyme coming secured frome the incursions and disorders of thir brokin men. And anent the charge givin to George, Marques of Huntlie, Katharine Forbes, Ladie Rothemay, Sir George Gordoun of Geicht, Robert Gordon, his brother, Gordoun, yonger of Geicht, Sir Alexander Gordoun of Cluny, Johne Gordon of Innermerkie, Alexander Gordon, his sone, James Gordoun of Letterfoure, Johne Gordon of Parke, Adame Gordoun, his brother, Johne Gordoun of Buckie, James Gordoun of Terrisoule, James Gordoun of Dunbennan, Johne Gordon, sone in law to Achiinhannach, Johne Fordyce of Auchincreiff, Wiilliamme Gordon of Tulloch, Duncane Braibner, greave to Park, Johne Gordoun of Ardlogie, Johne and Nathaniel Gordouns, his sones, Alexander Gordoun of Carnborrow, George Moresone in Rothemay, Johne Gordoun, sone to Thomas Gordoun of Artlache, Alexander Leith, brother to Harthill, James Gordoun, soildiour, Patrick Gordoun of Carnwhelpe, Patrick Sinclair at the Lewes of Fyvie, William Gordoun, sone to Gordoun of Gollachie, James Gordoun, sone to Badornie, Kemp, sone to Andro Kemp, fleshie in Strabogie, William Beg and William Quhyte, Johne Gordoun in Corskellie, Alexander Duncane, braibner, Wiilliam McGillivory, William Gordoun, brother to Achiinhannach, James Gordon, sone to Patrick Gordoun in Sutherlin, Johne Henrie in Robestoun, and Johne Gordoun, sone to Johne Gordon in Littlemilne, to have compered personallie before the Lords of Privie Counsell this present saxtein day of December instant to have givin information to the saids Lords anent the heirships, slaughters, depredations and others disorders committed
upon the Laird of Fendraucht his tennents and servants and others his Majesteis subjects in the north since the burning of the towre of Fendraucht and forder to have underlyne suche order anent the peace of the countrie, restraining the depredations of all brokin men dwelling upon their lands or being of their clans for whom they sucht to be answerable be the lawes of the countrie and tuicheing redresse to be made be thame to his Majesteis distressed subjects of their losses and damages susteanned be the saids brokin men since the burning of the said towre of Fendraucht as by the lawes and acts of Parliament sould be found necessar, and that they sould have compeird personallie to the effect foresaid under the pane of rebellion and putting of thame to the horne and forder under all highest pane and charge that after may follow, with certificatcion to thame and they faiyld that not onelie sould they be denounced rebellis and putt to the horne but suche forder exemplarie course sould be followed out agains thame as his Majesteis honnour and peace of the countrie requyres; lykea as at mair lenth is conteainit in the saids letters, executions and indorsatiouns thairof. Qhillks being callit and Sir Thomas Hope of Craighall, knight baronnet, compeirand personallie for his Majesteis interesse and the saids Laird of Geicht, elder and younger, Sir Alexander Gordoun of Cluny, the Lairds of Innermerkie and Park, James Gordoun of Letterfoure, John Gordon of Buckie, James Gordoun of Terrisoull, James Gordoun of Dunbennan, William Gordoun of Tulloch, Johne Gordoun, sone in law to Achannachie, and Johne Fordyce compeirand lykewayes personallie, and the saids Marques of Huntlie, Ladie Rothemay, and remanent defenders foresaid being offtymes callit and not compeirand, the Lords of Secret Counsell ordains letters to be direct charging officers of armes to pas and denunce the said Marquis and remanent absents our Soverane Lords rebels, and to escheit, etc. And the saids Lords ordains the haille partieis present to attend the Counsell upon Thursday nixt, the auchtente of this instant. And the saids lords ordanis the saids Johne Gordoun of Buckie, James Gordoun of Letterfoure, James Gordoun of Dunbennan, Johne Gordoun of Park and James Gordoun of Terrisoull to find caution to keepe ward within the burgh of Edinburgh and not to remove furth thairof till they be releved, everie one of thame under the pane of twa thousand merkes."

"Anent our soverane lords letters direct makand metion that whereupon the 21 day of May, 1631, and 26 and last dayes of September bygane Adame Gordoun, sone to Sir Adame Gordon of Parke, Johne Gordoun in Carnehill, Johne Gordoun in Incheorsie, Donnald Kelles, Alexander Gow, William Gauld, Angus M`Inneis, James Inneis, Alexander M`Keocher, Johne Geins, Robert Cowper, Johne Weir, Johne Milne and Andrew Marniche in Cabrache, Adame Gordoun in Stradoun, James, Patrik and Alexander Gordons, his sones, George Gordoun in Auchterles, James, Adame and Harie Gordouns, his sones, and William
Ros in Stradoun, sister sone to James Gordoun of Lettefoure, wer orderly denounced rebellis and putt to the horne be vertew of criminal letters execute againis thame at the instance of the Laird of Fendraucht and his servants for not finding sufficient caution and soueretie activ in the booke of adjournall for their coneyerence before his Majesties Justice and his deputes to have underlyne the lawes for diverse stifts, depredations and others crimes mentioned and conteinit in the saids letters of horning, as the same dewlie execute, indorsat and registrat shawn to the Lords of Privie Counsell beiris; quhilks hail persons in contempt of the said processe of horning have since that tyme so herryed and wrakked the said Laird of Fendraucht and his servants and others subjects in the north and goe on in suche ane insolent and lawlesse ravaging ather the countrie, as if his Majesties auctoritie and the hand of justice wer not able to overtake thame; and whereas they are all other men, tenants and servants to George, Marques of Huntlie, or dependers and followers upon him as being of his clan, kin and surname, and who accompanie him at castig, hunting and all conventions, gadderings and meitings and whom doe acknowledge him to be, as he is indeid, their cheefe, and the onelie person of power and commandement within the bounds where they dwell, and for whome be the lawes of the countrie, acts of Parliament and Generall Band he aucht to be answerable and exhibite to thair tryell: And anent the charge givin to the said Marques of Huntlie to have compeired personellie, brought and exhibite the saids rebellis before the Lords of Privie Counsell this present sxtene day of December instant to the effect order might be tane for thair tryell and punishment as accords under the pane of rebellion, etc., with certificatoun, etc., lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof; quhilks being callit and Sir Thomas Hope of Craighall, knight baronnet, compeirand personellie for his Majesties interesse and the said Marques of Huntlie being oftymes callit and not compeirand, the Lords of Secret Counsell ordains letters to be direct charging officers of armes to pas and denunce him his Majesties rebell and putt him to thair horne and to escheit, etc."

Rothemay, John Tarrel there, Johne Reidfurd and Johne Stevinson in Meyen, George and William Murreyes in Auchinnoull, can give some light and information anent the heirships and depredations late and committed upon the Laird of Fendraucht and of the authors, abatters and hounders out of brokin men to the committing of the same; and the Lords of Privy Counsell being carefull to use all lawfull ways and meanes for discoverie of this mater to the effect the offenders in this kynde may be knowne and punished and remeid sett doun for preventing the like in time comming: And anent the charge givin to the saids haill persons abone namit to have compeiried personallie before the Lords of Privy Counsell this present xviij day of December instant to have deponned and declared what they knew or sould be speirit at thame in the mater abonewritten under the pane of rebellion, etc., with certification, etc., lykeas at mair lenth is conteanit in the saids letters, executions and indorsations thairof: Qubilks being callit and Sir Thomas Hope of Craighall, his Majesteis Advocat, compeirand personallie for his Majesteis interesse and the saids Arthure Forbes in Barnhome, William Prat, Johne Gordoun at milne of Melros, Normand Leslie, Johne Ogilvie, M' William Douglas, M' Robert Blair, M' Thomas Mitchell, M' Henrie Ros, M' Richard Maitlane, M' John Logie, M' Androw Massie and M' Androw Ker, ministers, compeirand lykewayes personallie, and the saids Laird of Glenkindie, elder and younger, compeirand be M' William Forbes, advocat, and the saids Walter Halket, Johne Tarrel, and Johne Stevinson, compeirand be William Stevinson, servitour to M' Laurence McGill, advocat, and the said M' Alexander Forbes compeirand be George Steuart, servitour to Walter Hay, advocat, and the saids Johne Gordoun of Carnefeild compeirand be John Gordoun of Buckie, qubilks persons undertooke to exhibite the witnesses for whome they compeiried upon the thretene day of Januar nixt: and the saids Arthure Forbes, Walter Ogilvie, Thomas Dorwart, George and William Murreyes and Johne Reidfurd being ofymes callit and not compeirand, the Lords of Secret Counsell ordains letters to be direct charging officers of armes to pas and denounce thame our soverane lords rebell and putt thame to the horne and to escheit, and ordains the persons present to attend the Counsell upon Thursday nixt."

[Sederunt as recorded above, omitting Naper.]
in the Scottish regiment in France.

their other important affairs, if their Lordships would grant them protection “from the danger of the law.” The Lords grant to the said James Maxwell and Thomas Lindsay liberty to go about in the country for doing their lawful business until the last day of March next, in respect of their having formerly served abroad in the like capacity.

Sederunt.—St. Andrewes; Glasgow; Murrey; Perth; Winton; Lauderdaill; Southesk; Dumfreis; Traquaire; Bining; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Naper; Master of Elphinstoun; Advocate; Sir James Baillie.

Edinburgh, 18th December 1634.

Bailiary of Kyle-Stewart.

“The whilk day Johne Foulerton, appearand of Corsebie, compeirand personallie before the Lords of Secret Counsell, accepted upon him the office of baillerie of Kylesteuart and gave his oath for the faithfull discharge of the same.”

“The whilk day Johne, Archbishop of St. Andrewes, represented to the Counsell that nothing was concluded or deponned in Counsell (as he was informd) anent the disorders in the North bot the same was made knowne and divulged unto the brokin men in the North, and that the said Archbishop recommendit to the Counsell secrete in all things that sould be treated or deponned in Counsell anent the saids disorders under all highest pane.”

“The Lords of Secret Counsell gives and grants commission he thir presents to Johne, Archbishop of St. Andrewes, Johne, Erle of Lauderdaill, David, Erle of Southesk, and Johne, Bishop of Ros, to convene and meit the morne at ten of the clocke in the forenoon in the President of the Sessions hous and to examine the witnesses and informers anent the disorders in the North.”

“A missive from his Majestie anent the conjunct commission of the Middle Shires with a list of the names to be insert therein for either side.”

“The quhilk day Mr William Forbes, advocat, compeirand for the lairds of Glenkindie, elder and younger, Mr James Fergubahsone, compeirand for Mr Johne Ridfurd, minister, and William Stevinsone, agent, compeirand for Walter Halket, Johne Tarrell, and John Stevinsoun, undertooke to exhibite thame upon the 13 of Januar to informe the Counsell anent the disorders of the countrie, and George Stewart, servitour to Walter Hay, undertooke to exhibite Mr Alexander Forbes.”

Edinburgh, 22nd December 1634.

Sederunt.—St. Andrewes; Privy Seal; Glasgow; Murrey; Perth; Lauderdaill; Dumfreis; Southesk; Traquair; Bishop of Edinburgh; Bishop of Ros; Bishop of Dumblane; Lord Melvill; Lord Naper; Master of Elphinstoun; Clerk Register; Advocate; Justice Clerk.”
"The Lords of Secret Counsell ordains letters of treason to be directed against George, Marques of Huntlie, for entering his person in ward in the castell of Edinburgh and randering of his houses within fyftene dayes after the charge under the pane of treasoun, upon report to be made to the Clerk of Counsell of the twa registrat hornings againis the said Marques; the one for his not compeirance before the Counsell to underly suche course and order anent the disorders of the countrie as by the lawes of the countrie sould be found necessar and the other for his not compeirance and exhibition of certane rebellis of his kin and surname, men, tennents and servants."

"The Lords of Secret Counsell assignes to the gentlemen of the name of Gordoun, who wer present, the morne at eight of the clocke in the morne to advise and report to the Counsell what they will undertake anent the persute and exhibition of the brokin men in the North quicke or dead, and tuicheing restituion and redresse of the skaith susteanned by the Laird of Fendraucht, and for making the robbers and ressetters of his goods answerable, and that they compeir resolved to find cautiou for performance of what they sall undertake in the premisses."

"Forsameekle as in the tyme of the late vacance in the moneth of September last, when as the whole Counsell wer about their effaires and bussines at home, information was brought to Thomas, Erle of Hadintoun, Lord Privie Seale, who was onelie in toun for the tyme, that a great number of false and counterfoote copper penneis wer brought within this kingdome and outted among his Majesties subjects as good coyne, quhereupon the said Erle out of the dewtie of his place as one of his Majesties Privie Counsell gave power and warrand to Mr Alexander Kynneir, writer, to make inquirie and tryell where and be whom this false coyne hes beene imported and outted and to caus apprehend the delinquents and to committ thame to ward, there to abide their tryell and punishment; lykeas be vertew of this commissioun and warrand the said Mr Alexander hes apprehendit one

, Englishman, with a great quantitie of this false coyne and hes committed him to the jayle of Edinburgh where he now remaines; and the Lords of Secret Counsell, considering that the said Erle of Hadintoun did verie worthilie and upon considerable grounds grant the warrand foresaid and quhilk hes produced a verie good effect and successe, thairfoir the saids Lords hes ratified, allowed and approvin, and be the tennour heirof ratifeis and approves the warrand foresaid grantit be the said Erle of Hadintoun, and finds and declares that he did verie worthilie and upon considerable and good grounds grant the warrand foresaid for the good of the kingdome, and exoners him of all and everie thing that may be impute to him or layed to his charge for that caus. And furder the saids Lords hes givin and grantit and be the tennour heirof gives and grants new power, commissioun and warrand to Mr James Gordoun, keeper of his Majesties Signet, and to the said Mr Alexander Kynneir and to
as also to all judges, officers and magistrates to burgh and land, conjunctlie and severallie, to make diligent enquiry and searche where and by whome this false coyne, to wit, the copper pennies and copper farthings, hes beene imported or sell be imported and outted among his Majestie subjects and to apprehend the persons guiltie and to intromett with the saids false penneys and farthings and to commit the persons guiltie to waerd or otherwayes to exhibite thame and their false coyne to his Majestie Counsell as they may most convenientlie doe the same: firme and stable halding and for to hald all and quhatsoever thing sell be lawfullie done heerin."

"Forsamekle as Adame Gordon, brother to the Laird of Parke, and remanent brokin men of the name of Gordoun and others in the North, the better to strenthen thameselfes in thair rebellion aganis his Majestie auctoritie and lawes, have tane possession of the hous and fortalice of Rothemay (as would appear with the allowance of the Ladie Rothemay), qhillik hous they have fortified with men, victuall, poulder, bullet and other warlike furniture and keepe the same as ane hous of warre, ishing furth thairof at all occasions to spoyle, burne and slay suche of his Majestie good subjects aganis whome they beare anie pretendid querrell, to the disgrace of his Majestie auctoritie and undoing of numbers of poore people; thairfoir the Lords of Screeit Counsell ordains letters to be direct to heralds or pursevants to pas and in his Majestie name to command and charge the Ladie Rothemay and all havers, keepers and deteenners of the hous of Rothemay to render and delver the same to the said herald or pursevant, executer of the saids letters, to be keeped be him in his Majestie name till forder order be givin thereanent be the saids Lords, within twelff houres after the charge under the pane of treason, with certification to thame and thay failye the said pane of treason sall be execute upon thame without favoure: comanding heirby the shireff of Banf to rise, concurre, fortifie and assist the herald or pursevant, executer of the saids letters, as he will answer on the contrare at his perrell."

"Forsamekle as Adame Gordoun, brother to Johne Gordoun of Parke, Alexander Gordoun, younger of Innermerkie, Gordon, sone to Gordoun of Gollache, Johne Gordon, sone to Thomas Gordoun of Artlache, Gordoun, sone to Patrik Gordoun in Sutherland, Gordoun, sone to George Gordoun of Achinhamnach, Nathaniel Gordoun, sone to Johne Gordoun of Ardloogie, Robert Gordoun, brother to the Laird of Geicht, Johne Gordoun in Rothemay, Alexander Leith, brother to Harthill, Williame Ros, sone to Johne Ros of Ballivet, McGillivorie, servitour to Johne Gordon of Park, McAbrasler, servitour to , ar become opin and avowed enemieis to his Majestie auctoritie and lawes and to all his Majestie peaceable and well disposed subjects in these parts of the North where they resort, and have committed fire raisings, slaughters, heirships and others barbarous cruelitie quhereby
they have demerite his Majesteis high displeasure and the extremest execution of the law and to be abhorred and shunned as persons unworthy to live in a countrie subject to law and justice or to be partakers of the ordinarie benefite of humane societie, suche as meate, drinke, houe, barberie or anie sort of intelligence by word, writ or message, by the quhilks they may be strenthened in their rebellion; thairfoir the Lords of Secret Counsell ordains letters to be direct to command, charge and inhibite all and sindrie his Majesteis lieges and subjects be opin proclamation at the mercat croces of Aberdein, Bamf, Elgin, Forres, Narne, Innernes, Cromartie and others places neidfull that none of thame presoom nor take upon hand to ressett nor supplie anie of the brokin men abonewrittin nor to furnishe thame meate, drinke, houe, barberie nor no other thing comfortable and necessarie unto thame nor to intercommoun, conferre nor have anie sort of intelligence with thame be word, writ nor message during the tyme of thair rebellion under the panes conteinit in his Majesteis lawes and acts of Parliament made aganis ressetters of his Majesteis rebells, trauors and disobedient persons, with certificaioun to thame and they faylie the saids panes sall be execute upon thame without favour."

"The quhilk day his Majesteis Advocat, having of new reproduced the copie of the conjunct commissioun for the Borders with a letter direct to him from his Majestie for drawing up a signature thereanent, the Lords ordains the copie of the commissioun to be delveryed to the Erles of Dumfreis and Traquair, and thame to conveene suche gentle- men of the Middleiis as ar in touc and to consider the commissioun, nature and power thereof, and to report thair opinioun thereanent to the Counsell or to the Advocat with convenient diligence."

"The whilk day the gentlemen of the name of Gordoun, compeirand personalie before the Lords of Privie Counsell and having refusied the proposition made unto thame anent their undertaking aganis the brokin men in the North except in that part thairof anent thair diligence, quhilk the Counsell thought no wayes satisfactorie, and the saids Lords, having considdерit the depositions of the witnesses produced for tryeill of the disorders in the North, they find probable presumptions aganis James Gordon of Letterfourie, John Gordoun of Innermerkie, Johe Gordon of Parke, Williame Gordoun of Tullo, James Gordoun of Terrisoule, and James Gordoun, baillie of Strabogy, of thair accessioun to the saids disorders and thairfoir ordains thame to be committed to waerd within the tolbuith of Edinburgh therein to remaine upon thair awne expenses
till they be fred and releaved be the saids Lords; and the saids Lords declares that during their abode in waird they sall be free of all arrestments for anie debts."

"The Lords of Secret Counsell ordains the persons particularlie underwrittin to find sufficient caution and souertie in the bookes of Privie Counsell for the indemnitie of the Laird of Fendraught under the panes following, viz., Robert Gordon, sone to Thomas Gordon of Artlaiche, under the pane of j"merkes, Sir George Gordon of Geicht, elder, under the pane of ij" merkes, Gordoun, yonger of Geicht, and the Laird of Cluny under the pane of iij" merkes, the Laird of Innermerkie under the pane of j" lb."

"The Lords of Secret Counsell, according to ane warrend and direction, signed be the Kings Majestie and this day presentit and read in their audience, gives and grants their warrend to Alexander Hamilton, yonger of Laufeld, to haunt, resort and repaire to and fra in all parts of the contrie for doing of his lawfull affaires at his pleasure for the space of ane yeere nixt after the dait heirof and during that space not to be takin, apprehended, warded nor arreisit be vertew of anie letters of horning, caption or other warrend execute or to be execute agains him for civist causes, discharging heirby all judges, officers and magistrats to burgh and land of all taking, warding or arresting of the said Alexander Hamilton be vertew of anie hornings, captions or other warrends for civill causes, discharging thame thairof and of thair offices in that part for the space of ane yeere nixt after the dait heirof, as said is, provyding aways es the said 'Alexander pay the annuells of all suche debts as ar peculiarie his owne and not originallie contracted by his father. Followes his Majesties missive abonewrittin.—CHARLES R. — Right trustie and weilbelovit cousine and counsellor, right trustie and weilbelovit cousines and counsellors, and right trustie and trustie and weilbelovit counsellers, we greet yow weill. Whereas we ar informed that Alexander Hamilton, yonger of Laufeld, being deepelie ingadged in debt for his father (of whos estait he never had anie benefite) and being forced for danger of arrest to kepee himselfe privet, is thereby disabled frome taking anie course ather for his awne releeffe or satisfaction of the creditours, whereby they ar like to suffer prejudice and his estait likelie Altoagidder to perish; we, piteing the distressed estait of the gentleman, ar heirby pleased to recommend him unto yow that he may have libertie for one yeere to come in publicit for settling his affaires, provyding he pay the annuells of all suche debts as ar peculiarie his owne and not originallie contracted by his father. We bid yow fareweill. From our court at Whitehall, the 20th of November, 1634."

"The Lords of Secret Counsell hes modified and be the tennor heirof modifieis to M' Thomas Mitchell, parson of Turreff, M' Henrie Ros, minister at Reynie, M' Johne Logie, minister at Rathuen, M' Andro Ker, minister at Glenbucket, M' Andro Massie, minister at Drumbliet,
M. Richard Maitlane, minister at Abirchirdour, M. Robert Blair, minister at Forglen, and M. William Douglas, minister at Forgue, and everie one of thame the soume of ane hundruth pundz as for their charges and expenses in commung heir to give information anent the disorders in the North, to be payed to thame be his Majesteis Thesaurar, Deputie Thesaurar and receavers of his Majesteis rents out of the first and readiest of the escheit goods of the brokin men in the North."

Sederunt¹—Hadinton; Glasgow; Wintoun; Lauderdaill; Dum-freis; Southesk; Traquaire; Bishop of Ros; Bishop of Dumblane; Melvill; Naper; Clerk Register; Advocate; Justice Clerk.

Supplication by Sir George Gordoun, elder of Geicht, as follows:—He has an earnest desire and purpose to confer in matters of religion with the bishops, ministers and other clergymen in this kingdom so that he may be informed in several particulars thereof. Moreover, he is cited before the Lords of Session and some inferior judges to give his oath in certain actions against him; but he can do neither without their Lordships’ protection, because of some civil oorings under which he lies. This he therefore craves, and the Lords grant him until Whitsunday next, especially because the supplicant produced a certificate signed by the Archbishop of St. Andrews that the Bishop of Brechin and the ministers of Dundie have testified to him that the supplicant has given surety for satisfaction of the Kirk.

“Charges againis the Ladie Rothemay and all others, havers and keepers of the hous of Rothemay, to delyver the same to the herald executour of the letters, under the pane of treason, within 12 houres after the charge.”

“A proclamatioun discharging all his Majesteis lieges to ressett or intercummoun with the brokin men under the panes conteamin in the acts of parliament.”

Sederunt—Hadinton; Glasgow; Traquaire; David, Bishop of Eden- burgh; Clerk Register; Advocate; Justice Clerk.

Supplication by Alexander Abernethie in Antrim in the kingdom of Ireland, brother-in-law of the deceased John Donaldson in Glenarnie, as follows:—Their Lordships know that the said John Donaldson was cruelly murdered in his own house by Captain John M’Donald and his accomplices, for whose capture on that account a commission was granted, in the trial of James Ross, who took part in the slaughter of John Donaldson, brother-
ment of this man will be more exemplary if these take place where the slaughter was committed, the supplicant craves that their Lordships would give warrant to the provost and bailies of Glasgow to deliver the said James Ros to him and cause some of their burgesses accompany them to Irwing where the supplicant will obtain transport to Ireland. The Lords grant the warrant as craved.

Sederunt—Privy Seal; Glasgow; Launderdaill; Dumfreis; Bishop of Edinburgh; Bishop of Dumblane; Binning; Melvill; Naper; Clerk of Register; Advocate.

"The whilke day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saids Lords and read in their audience, of the whilk the tenor followes.—CHARLES R.—Right trustie and right weelbelovit counsine and counsellor, right trustie and right weelbelovit counsellors and counsellours, right trusty and trusty and weelbelovit counsellors, we greit yow weill. Having latelie beeene informe of the great disorders and ryotes committed in the northern partes, whiche insolent beginnings we would have to be repressed in time and the offenders to be seereleie punished as the course of justice requireth in the like caises, for whiche purpose we heare yow have alreadie charged the landslords and cheeves of clans and, amongst others, the Marques of Huntlie for the name of Gordoun, of whom some (as we ar informed) have beeene cheefe actors in these outrages, to compeir before yow that order may be takin concerning the same; and though we beleewe that, as the said Marques professeth, he is not necessary to these violations committed by diverse of his name, yitt in regard he is presommed by some that if he be not guilitie of acting of it, at least he might ather have prevented it at first or have takin a course for redressing of it in some measure afterwards, our pleasure is that yow putt our lawes in executiun aganis the saids landslords, cheeves of clans, Marques of Huntlie and all others whom yow have for this purpose cited or saill thinke fitt to cite heerafter, according to the Generall Band or to anie order that our lawes doe allow for that effect. Whairof we yow to be carefull, as yow will be answerable unto us for your diligence in a thing so seereleie concerning us in honnour and justice and the generall good of that our kingdome. We bid yow farewell. Frome our court at Whitehall, the 16 day of December, 1634."

"Forsamekle as the Lords of Secreet Counsell ar informed that James Andersone in Damayes, Alexander Gordon in Mairdrum, Thomas Duff in the Rais, Adam Breacly there, John Gordoun in Parkend of Strawbogie, Gordon, his son, John Spence in Bruntstane, James Hamilton in Corse, John Hamilton, his son there, M' John Hamilton, parson of Kynmore, M' Robert Jamesone, parson of Botarie, Alexander Gordoun of Dunkintie, Donnald Ferquharson in Monaltrie, younger,
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Gairdin, younger, of Blackfuir, Andro Meldrum, baillie of Aberdein, James Finlay in Trouspmilne, M' Robert Bissat of Lessindrum, William Gollan in Coulerachie, Andro Strauchane in Endach, M' Robert Gardin, commissar clerk of Murrey, and M' William Scharpe, shireff clerk of Bamf, etc., can give some light and information anent the disorders in the North, the authors and abatters of the same, and there is probable presumptions aganis some of the saids persons of their accessioun to the saids disorders; and the saids Lords being willing that all lawfull wais and meane be used for discoverie of the saids disorders and authors of the same to the effect, the offenders being knowne, order may be tane for thair tryell and punishment and for the peace of the countrie in tymne comming, thairfor the saids Lords ordains letters to be direct charging the persons foresaid to compeir personallie before the saids Lords at a certane day and to depone what they know or sall be speirit at thame anent the disorders foresaid, authors and abarters of the same, and to underly suche order theraeunt as the saids Lords sall thinke necessar, under the pane of rebellion, etc., with certification, etc."

"The Lords of Secret Counsell gives and grants power and commissioun to Johne, Erle of Lauderdale, Archibald, Lord Naper, Sir Johne Hay, Clerk of Register, and Sir Thomas Hope of Craighall, knight, or anie three of thame, to call before thame James Gordoun of Letterfoue and others of the name of Gordoun, prisoners in the tolbuith of Edinburgh, and to examine thame anent their knowledge and accessioun to the disorders in the North and to meit the morne at twa in the afternoone."
“Missives to the schireffs of Aberdein, Bamf, Elgine, Narne and Innernes requiring thame to putt their commission to executioun agains the brokin men and to report their diligence and acquaint the Counsell at all occasiouns with their proceedings with convenient diligence.”

[No record of Sederunt.]

“Forsamekle as it is understand to the Lords of his Majestis Privie Counsell by information and advertisement from the right reverend father in God, Johne, Archbishops of St. Andrewes, of some trouble and unquyetnes latelie fallin furth within the citie of St. Androis betwix Patrick Mauld in St. Androis, sone-in-law to the Laird of Reres, on the ane part, and M’ Patrik Lyndsey of Wolmesteroun and M’ Johne and Robert Lyndseyes, his sonnes, on the other part, to the disturbance of the publict peace and apparent danger of further harme to ensue if the same be not tymlouslie provydit, for remeid whairof the saids Lords ordains letters to be direct charging the persons abonenamit to compeir personallie before the Lords of his Majestis Privie Counsell at Edinburgh, or where it sall happen thame to be for the tyme, upon the auct of Januar nixt to underly suche order for observatioun of his Majestis peace as by the saids Lords sall be prescryved unto thame, under the pane of rebellion, etc., with certificatioun, etc.; and in the meantyme to command and charge the parteis foresaids to observe and keepe our Soverane Lords peace and not to invade nor persaw one another under whatsoever cullour or pretext under the panes following, viz., the said Patrik Mauld under the pane of four thousand merkes, the said M’ Patrik Lyndsey under the pain of four thousand merkes, and either of his twa sonnes under the pane of ane thousand pundis; as lykewayes to charge the persons after speecefait, viz., etc., to observe and keepe his Majestis peace, as said is, and not to concurre nor assist anie of the saids parties in the violent and lawlesse reparatioun of their alledged wrongs under the panes respective following, viz., the said, etc., with certificatioun to everie one of the saids persons if they contravene that they sall be conveenned, found and declared to have incurred the saids panes respective abonementiouned, and letters to be direct for payment thairof in forme as effeirs.”

Edinburgh, 31st December 1634.

Sederunt—Privy Seal; Glasgow; Erroll; Dumfreis; Bishop of Edinburgh; Bishop of Dumblane; Binning; Naper; Clerk Register; Advocate.

Letter from his Majesty appointing the Arch—bishop of St. Andrews to the followes:—CHARLES R.—Right trustie and right weilbelovit cousins and
counsellors, right trustie and weilbelovit counsellors, and trustie and weilbelovit counsellors, we greit yow weill. Understanding of the sufficiencie, long experience and affectioun to our service of the right reverend father in God, the lord Archbishop of St. Andrewes, it is our pleasure that he succeed in the place of the late Erle of Kinnoull to be our High Chancellour, and that yow caus deleyver unto him the great seale of that our kingdom to be kepeed by him as our Chancellour, with all the benefites, priviledges and immunitieis that have belonged to that place heitertoire ; whereupon we will our Advocate to draw up a guift of the same during his lyfetyme to be sent unto us. And so we bid yow farewell. From our court at Whitehall, the 23 of December, 1634. Quhilk letter being read, heard and considderit be the saids Lords, they ordained ane missive to be written to the said Archbishop requiring his addresses hither with convenient diligence, quhilk wes accordinglie done.”

“The whilk day Mº David Sibbald, keeper of the great seale under the Erle of Kinnoull, late Chancellour of this kingdom, for obedience of his Majestieis letter and conforme to the command givin to him be the Lords of his Majestie Secret Counsell, exhibite before the saids Lords his Majestieis great seale in twa peeces to be givin up and kepeed be the right reverend father in God, John, archbishop of St. Andrewes, whom his Majestie hes beene pleased out of a long experienced proffes of his sufficiencie and affectioun to his Majestieis service to make choise of and prefer to be High Chancellour of this kingdom ; the whiche great seale, in respect of the Archbishop of St. Andrewes his absence at this tyme, wes deleyvered to James Primerose, clerk of his Majestieis Privie Counsell, to be kepeed be him till the said Archbishop his returne ; and the saids Lords exoneris and discharges the said Mº David of the saied seale and of the purse wherein it is keepe for now and ever.”

“Charges aganis Patrik Campbelle of Edinample for his compeairance and exhibitioon of twa lymmars being in his custodie, or ellis to shaw a caus why, etc., under the pane of rellieion, etc.”

Sederunt—Privy Seal; Bishop of Glasgow; Wigtoun; Lauderdale; Dumfreis; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Clerk of Register; Advocate.

“The Lords of Secret Counsell continewes the advising of the Lord Torphichins processe anent the nature of the erection of the lordship of Torphichin till the twentie nynt day of this instant, whairof ordains intimation to be made to the said Lord to keepe the said dyet.”

“The Lords continewes the advising of the report anent the plaiding Anent the till Tuesaday nixt, quhairof John Sinclar, deane of gild of Edinburgh, plaiding, compeairand for the burrowes, and Thomas Areskine of Pittodrie compeairand for the gentrie ar warned apud acta.”
Complaint by Mr. Archibald Cameron, minister at Inshealzeoche, as follows:—About twenty years ago he was admitted minister at this kirk and has ever striven with many great difficulties to maintain a peaceful ministry, but these efforts have been frustrated by the masterful oppression of Sir John Buchannan of that Ilk and George Buchannan, his son and heir apparent. They withhold his stipend, and, though he has frequently put them to the horn, yet they abide thereat as if they were in no way subject to the law, and for several years have persecuted him with all the malice they can devise. They have taken possession of his manse and debarred him from his glebe. A boat which was built for ferrying the complainer and the country people over the Water of Enrick, which is within a bow shot to the kirk, the said Lairds of Buchannan have refused to him, discharging the keeper of the boat to ferry him over under all highest pain, knowing that the complainer must come every Sabbath from Dumbartane to his kirk, which is seven miles distant therefrom, and that if he cannot cross by the boat he must go other four miles round through moss and muir to the hazard of his life. He had cited the said Lairds before their Lordships for this in February last, when the said young Laird compaired personally for himself and his father, and they submitted their differences to the decision of Patrick, Archbishop of Glasgow, and Adam, Bishop of Dumblane, who decided that the said Sir John should pay to the complainer £400 for the sack of the teinds of his lands in the parish of Inshealzeoeh for the year 1633, and also £300 due by bond, and that before Whitsunday last; also that Sir John should find caution for these payments and for relieving the complainer of the taxation of the parsonage of Inshealzeoeh for the years 1631, 1632 and 1633; as also that the said George should pay to him £200 as the expenses formerly decreed against him, and that before Whitsunday last. To this the Lords interposed their authority and further ordained the said Lairds of Buchannan to permit the complainer to have the use of the boat foresaid. But the said Lairds of Buchannan had never any intention of obeying this decree for which the complainer caused charge and put them to the horn on 1st November last, but this morning they disregard and the said George lies among his friends disdaining to acknowledge either law or justice. Parties being cited and the pursuer comparing by Aula M'aula, writer in Edinburgh, his procurator, but not the defenders, the Lords ordain the said George Buchannan to be charged to render his house of and enter his person in ward within Blackness within six days after the charge under pain of treason.

Complaint by Alexander Forbes of Auchintoull and William Gardiner, his tenant, as follows:—The lands of Castlehill and Boigiesyde belong to the said Alexander Forbes heretably, and for several years he has been
in undisturbed possession thereof until lately that Sir George Jonston of Caikiben has resolved by bangsterie and oppression to debar him therefrom. On 8th April last, without any lawful warrant he came to the said lands and caused point the tenants for their rents; and, because the said William Gardiner refused to pay anything until he was freed of the complainer, "the said Sir George vowed, or it were long, to take such order with him as he could not have ane coke left to crow by day." Accordingly in September last, "some brokyn men under night herryed and away toke the compleaneers haille meane, extending to more nor five hundred marks, and persweyd himselfe of his liffe." When the poor man, upon 4th October last, told the said Sir George, in the house of Drinmooir belonging to Lord Forbes, "that he was als good as his word, the said Sir George, being loath that the mater sould come to heiring, sent his ordinari minister, Mr Robert Cheyne, to the compleaneer, to desire him to be silent." Also, on the 3rd of the said month, Alexander Knox, James Ogilvie, Patrick Jonston, Robert Gordoun, and others, servants to the said Sir George, and at his instigation, came to the said William Gardiner's cornyard, and cast "tua of his beir stakks be vertew of some letters quhilk wes suspendit and the suspension intimat to the said Sir George, and the rest of the servants armed with swords, durks and other wapons, stood by reddie to offer violence to all suche as would presume to impede the said Allexander Knox in casting the stacks." Finding that notwithstanding of this he could not prevail upon the tenants to pay their rents to him, the said Sir George dealt with one Lachlan Ferquharsone and twelve other Hieland men who are enterained by the gentlemen of the country by a monthly allowance as a watch against the disorders of the broken men, and persuaded them to go to the said tenants and threaten them that unless they paid their rents to Sir George, they would suffer their whole goods to be robbed. And accordingly, shortly thereafter, there were two horses taken from the poor man. Charge having been given to the said Sir George, and he compearing along with Alexander Forbes for himself and his said tenant, the Lords, after hearing parties, remit the part of the complaint anent the casting of the stacks and medling with the corns to the Lords of Counsell and Session, and continues the trial of the riot until that has been discussed.

Complaint by Jeane Chrystie, lawful daughter of the deceased Andrew Chrystie, induweller in Leith, as follows:—She has lived for the past two years in England with Grissell Lyn, her mother, and has now come "to her native soyle for gathering in some debts and airship falling unto her be her fathers deceassce," so as to pay her creditors and "to enterteane herselfe in ane honest ranke and condition." Being, however, engaged in her minority for certain of her parents' debts, she is in danger of caption unless she obtain a protection. "Charge having been given to George Low, Thomas Mudie, Isobel Edgar, Janet Purves
and James Creichtoun, her creditors, and the pursuer compearing, but none of the defenders, the Lords continue her former warrant until Lammas next.

Complaint by the Provost and bailies of the burgh of Culros and John Clerk for his interest, as follows:—"Upon the 26 of November last there fell out a miserable accident within their burgh, to wit, Edward Ezat, mariner in Culros, having a young chylld named Robert Ezat, of the age of two yeeres or therby, playing upon the steps of the staire at the east syde of the said Eauard his hall doore accompanied with ane other yong bairne of his; in the meane tyme Johne Clerke, coalcaer, indweller in the said burgh, come by the foot of the staire with a horse loadned with coalls within a great conall cairet, the head of the said yong bairne was overteide by the whele of the caire whereby the bairne, within ane hour thairafter, departed this lyffe; for the quhilk the said John, pressiing to have escaped, was apprindit and committed to warde within the tolbuith of the burgh of Culros, where he now remains, protesting and affirming his innocencie, and that he was at the other syde of the horse and saw not the bairne till the head of the bairne stayed the course of the caire." The complainers thought right to investigate the facts by examination of witnesses by whose statements it clearly appears that the said John is innocent of the slaughter of the said bairn; yet they cannot set him at liberty untiill they know the Council's pleasure therein; and, as he is but a poor man, he is like to starve for cold and hunger in the said tolbooth. Charge having been given to the said Edward Ezat, and the pursuers compearing by James Kennowie, W.S., their procurator, but the defender not compearing, the Lords having seen the act and roiment of the burgh of Culros under the hand of Robert Forret, clerk of the said burgh, setting forth that the said provost, bailies and council of the said burgh being convened in the tolbooth, had called before them the said Edward Ezat and Margaret Huttoun, his spouse, the child's parents, and asked them if they would prosecute the said John Clerk for the bairn's death, they "both in ane voice judicallie declared that they wald nowayes prosecute nor follow out such a businesse and that they wald not persew the said John Clerk for the slaughter and death of the bairne, but they desyrit that the said John at his releife might be put furth of the toun out of thair sight for appeasing thair greife"; in respect thereof ordain the said provost and bailies of Culros to put the said John Clerke to liberty, but taking him first enacted in their burgh court books to remove from the said burgh within twelve hours after his release and in no case to return to the said burgh at any time thereafter under the pain of death.

Complaint by Bethia Guthrie, widow of Walter Murray, overseer of his Majesty's Works, as follows:—On 10th December instant, William Ker, soldier of Fyair, was put to the horn at her instance for not paying to
her 400 merks for the nonentry of the lands of Sunderlands, but he pays no heed thereto, and she now craves caption against him. The pursuer compearing by her procurator, John Dunlop, advocate, but the defendent not compearing, the Lords ordain the sheriff of the shire wherein he dwells to apprehend him and to take possession of his house and goods.

Complaint by Agnes Maxwell, Lady Stanehouse, and Cuthbert Hamilton of Candor, now her spouse, as follows:—They are in debt to several creditors for sums contracted by the said Agnes in her widowhood as tutrix to James Hamilton of Stanehouse, her son, and are resolved to dispose of some of their lands for satisfaction of their creditors; while they have also some actions depending before the Lords of Session against the said James for recovery of sums paid for him during his minority, and another action against him before his Majesty’s Council, but none of which they dare attend for fear of some hearings they underly. Charge having been given to Sir James Hamilton of Broomehill, Gavin Hamilton of Raploch, James, Gilbert and John Hamilton, burgesses of Edinburgh, Agnes Byres there, Bessie Mader there, Isobel Cohound there, George Bannatyne there, John Robeson in Meikle Ernok, Arthur Hamilton of Auchingreinan, John Hamilton in Glasgow, James Rowat in Dykeheid, Bessie Boig in and John Bade, her spouse, James Hamilton of Staneous, Adam Hamilton in Homeheid, James Hamilton in Mylnehome, John Allan in Caulstrayne, Robert Stobo in Kittiemure, John Barre there, John Hamilton in Staneous, John Coits there, John Alatoun there, John Miller there, John Maller there, Umpha Williansone there, Jonet Pet there, Margaret Bar in Walstoun, Sir James Hamilton of Fingaltoun, Allan Couper in Mylnburne, Thomas Harvie in Altoune, Willam Hamilton of Dasarff, Andrew Forrest there, Agnes Steill and , her spouse, there, John Paterson in Mureheid, John Broun in Draffan, Quintin Weir in Southfeild, John and Alexander Fairlie in , William Lein in Cleuchbrae, Sir W. Baillie of Lamintoun, John Carmichell of Litlegill, James Hamilton, commissor clerk of Lanerk, Gavin Stevinsone, baxter in Edinburgh, James Cochrane, factor, John Shaw, merchant there, George Ker, tailor there, William Caldwell, merchant there, Alexander, Mr. Samuel and Patrick Tailfeir there, James Wilson, writer, James Leslie, tailor, Robert Wallace, servitor to Peter Algeo, James Keith, servitor to John Dunlop, Archibald Hutton, servitor to James Rig, John Ker in the Cannogait, Robert Raustane, writer in Edinburgh, Marion Tuedie and Mr. James Law, her spouse, all creditors to the complainers, to appear this day before the Lords, and the said Cudbert Hamilton compearing for himself and his said wife, and of the creditors only the said James Keit [sic], by his master, John Dunlop, advocate, and the said Mr. Samuel Tailfeir for himself and his two brothers, and having been heard, the Lords grant their protection to the said Cudbert and his wife for repairing
safely to and from Edinburgh until the last day of July next, the said Cedberht promising upon his honour and credit to appear before their Lordships on 21st July next and underlie their will and pleasure in the event of his not having before that time satisfied the said Mr. Samuel, Alexander and Patrick Tailfeir.

Complaint by Robert Chrystie, merchant burgess of Edinburgh, as follows:—In 1621 the Lords of Session, considering how greatly he was distressed on account of his being cautioner for Sir Alexander Hamilton of Innerweik, younger, granted him protection for a year, but he has not obtained relief of any of his burdens. On the contrary, he has been forced to pay 20,000 merks for the said Sir Alexander, and he is now reduced to the extremity of entreating their Lordships for a further protection. Charge having been given to Mr. William Clerke, minister at Woltoun, Robert Aitkine, son to the Commissary of Orkney, Mr. Harry Aitkine, Commissary of Orkney, Balmano, son of Alexander Balmano, writer, and Alison Reid, his mother, as creditors to the complainant, and the pursuer comparing but none of the defenders, the Lords grant him their protection until Lammas next.

Acts of caution by John Cuningham, far of Barns, for Robert Forbes of Reres, and by the said Robert Forbes for the said John Cuningham, also by the said Robert Forbes for William Forbes, apparent of Reres, his son, that they will not molest Mr. Patrick Lindsay of Wolmerstoun, Mr. John and Robert Lindsay, his sons, and George Lentron, merchant in St. Andros, nor their men, tenants, or servants, each under the penalty of 5000 merks, of which penalty one half is to go to the King's Majesty and the other half to the party grieved.

Similar acts of caution by Mr. Patrick Lindsay of Wormestoun for Mr. John and Robert Lindsay, his sons, and for George Lentron, merchant in St. Androse, and by George Lentron of Trustie for the said Mr. Patrick Lindsay, that they will not molest the foresaid Robert Forbes of Reres, William Forbes, apparent thereof, John Cuningham, far of Barns, and Patrick Mauld in St. Andros, nor their men, tenants or servants, the said Mr. Patrick Lindsay under the penalty of 4000 merks, and the others under the penalty of £1000 each.

Edinburgh, 18th January 1635.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Murrey; Wigton; Acts, June 1634; April 1635.

Gallouay; Lauderdalei; Dumfreis; Lorne; Bining; Naper; Fol. 46, a.

Bishop of Edinburgh; Bishop of Dumblane; Clerk Register; Advocate; Justice Clerk.

Charge to John, Earl of Athole, and others who had been commissioned

"Anent our Soverane Lords letters direct makand mentioun, forsamekle as the Lords of Privie Counsell ar informed that great numbers of sorneres and brokyn men of the Clangregour, Clanauchlane, Clannanweld, and others brokyn clans in the Hielands, Loquhaber, Stradoun, Glencoe,
Bramar and others parts, as alseua diverse of the name of Gordoun and to
their dependers and followers in the countrie, have this long time
bygane and now latelie vere greevousalie infested his Majesteis good
subjects in the north parts, especiallie the Laird of Fendraucht and his
tenents, by frequent depredations, slaughters, heirships, and barbarous
cruelteis committed upon them, and by ane late treasonable fire raising
within the said Laird of Fendrauchts bounds, whereby not onelie is all
the gentlemans lands layed waist, his whole goods and bestial spoyled,
slaine, and mangled, some of his servants killed and cruellie demained,
but also the hall tenants of his lands and domesticks of his houes he
left his service and lands, and himselfe with the hazard of his life he
beene forced to steale away under night and have his refuge to his
Majesteis Counsell; and thir disorders ar growin to that hight that
almost nowhere in the north countrie can anie of his Majesteis good
subjects promise saftie unto themselffes but ar in continuall danger and
fear of some sudaine surprise by fire or otherwayes from thir brokin
men: And the Lords of Privie Counsell, in this so deplorable estait of
the countrie, finding it thair boundin dwetie to use all meanes possible
for preserving the honour and credite of his Majestie his auctoritie and
lawes and reparation of the losses of his distressed subjects, they have thair-
foir resolved upon trew information of the authors of thir disorders, thair
abbaters and ressetters, to take suche exemplar order thereanent as the
delinquents may underly thair deserved punishment and his Majesteis peace-
able subjects be repaired in thair losses and in time comming secured frome
the incursions and disorders of thir brokin men. And anent the charge
givin to Johne, Earle of Atholl, George, Earle of Seafort, Arthure,
Lord Forbes, Alexander, Lord Pitsaligo, Sir Alexander Irwing of Drum,
Sir Coline Campbell of Glenurquhie, Sir James Campbell of Lawers, Sir
Johne Grant of Freuchie, Johne Grant of Glenmorestoun,
M'Carralds, elder and younger, M'Carrald of Glengarrie, Allan
M'Caindy, Johne and Dohnald Camrons, his sonnes, M'Cinnabruich of
Glencoe, the Laird and Tutor of Glenneveis, Johne Grant of Rathimurchus,
the Laird of M'Cintoshe, Hew, Lord Lovat, Patrik Grant of Ballindallach,
Johne Grant, fear thairof, Sir Robert Innes of Balvenie, Gregour
M'Cordour and Patrik, his brother, Thomas Crombie of Kemnay, shireff
principall of Aberdein, William, Erle Mairshell, shireff principall of
Kincardin, Sir William Steuart of Garnettullie, shireff principall of Perth,
George Baird of Auchnedden, shireff principall of Bamf, Alexander
M'Keinyo of Culcowie, shireff principall of Innernes, Johne Campbell,
younger of Calder, shireff principall of Narne, and James Dumbar of
Boigs, shireff principall of Murrey, to have compeired personallie before
the Lords of Privie Counsell this present threttene day of Januar instant
to have givin information to the saids Lords anent the heirships, depred-
dations and others disorders committed upon the Laird of Fendraucht, his
tenents and servants and others his Majesteis peaceable subjects in the
North since the burning of the towre of Fendraucht, and farder to have underlyne suche order anent the peace of the countrie and restraining the depredations of all brokin men dwelling upon their lands or being of their clans for whom they aucth to be answerable be the lawes of the countrie, and tuicheing redresse to be made be thame to his Majestis oppressed subjects of the losses and damages susteanned be thame since the burning of the said towre of Fendraucht, as by the lawes and acts of Parliament soulde be found necessar, and that they soulde have compeirand in maner and to the effect foresaid under the pane of rebellion and putting of thame to the horne, with certification to thame and they faillied that not onelie soulde they be denunced rebellis, etc., bot also suche exemplarie course soulde be followed out aganis thame as the honnour and peace of the countrie requires; lykeas at mair lenth is conteinat in the said letters, executions and indorsations thairof. Qhillings becallit and Sir Thomas Hope of Craighall, knight baronet, compeirand personally for his Majestis interesse, and the saids Erle of Seafort, Lords Lovat, Forbes, Piteligo, the Laird of Drum, the Laird of Grant, the Laird of Glencoe, the shireffs of Bamf, Aberdein, Innernes and Narne, compeirand personallie, and the said Erle of Atholl compeirand be Robert Stewart of Balliachin, his baillie, and the said Erle Mairshell compeirand be M' Robert Petrie, his procurator, and the said Laird of Glenurquhie compeirand be Robert Campbell, his brother, and the said Johne Camron compeirand personallie for himselfe and his said father and brother, and the said Laird of Glenmorestoun compeirand be Patrik Grant, his sone, who tooke the twente fouart day of Februar next to exhibite his said father and actit himselfe to stay in toon till that time under the pane of ane thousand merkes, and the said Sir William Stuart compeirand be William Stuart, his sone, who produced ane testimoniall under the hand of M' William Glas, minister at Little Dunkelden, and others famous persons, testifieing upon thair conscience the said Sir William his inabilitiet to travell in respect of the gutt and gravel wherewith he is heavilie troubled, and the said Laird of Glengarrie compeirand be Johne McIlannald, his procurator, who produced ane testimoniall under the hand of the minister of Abertierf, Schiurin Scheill, chirurgian, and Robert Abraham, notar, testifieing the said Laird of Glengarrie his inabilitie to travell or to keepe this dyet in respect of his decrepit age, being fourescore twelffe yeeres, and that he is lying bedfast, as the saids twa testimonialls beiris, and the said Laird of Balvenie being personally present, and the said Johne Grant, fear of Ballindallach, compeirand personallie for himselfe and his said father; and the saids McRannalds, elder and younger, the Laird and tutor of Glenneveis, and Laird of Rathimurchus, and McGregour and his brother being ofttymes callit and not compeirand; the Lords of Secret Counsell ordains and commands the parteis present to attend the saids Lords
upon Thursday nixt, and the saids Lords excuses the absence and not compeirance of the saids Lairds of Garnetullie and Glengarrie in respect of testimonials foresaid, and ordains letters to be direct to denunce the saids Lairds of M"Rannald, Glenneveis, Tutor thairof, Rathimurchus and M"Gregour and his brother our Soverane Lords rebellis, and putt thame to the horne and to escheit, etc."

"Forsamekle as upon occasioun of some late trouble quhilk fell out in the citie of St. Andrewes betuix M"Patrik Lindsay of Wolmerstoun, M"Johne and Robert Lindseeyes, his sonnes, and Lentron on the ane part, and Patrik Mauld, indweller in St. Andrewes, on the other part, the Lords of Secreet Counsell patt the saids M"Patrik, M"Johne and Robert Lindseeyes and the said Lentron under good and sufficient caution for keeping of his Majesteis peace with the said Patrik Mald; in respect quhoreof necessar it is that the said Patrik find the like caution, thairfor the Lords of Secreet Counsell ordains letters to be direct charging the said Patrik Mauld to find sufficient and responsall caution and soueratie actit in the bookes of Privie Counsell for keeping of his Majesteis peace with the saids M"Patrik, M"Johne and Robert Lindseeyes, and Lentron, and that they sell be harmelesse and skaithlesse in thair bodeis, lands, roumes, possessiouns and not to be troubled nor molested therein be the said Patrik nor no others of his causing, sending, hounding out, command, ressett, assistance nor ratihabition whom he may stop or latt, directlie nor indirectlie, in time comming otherwayes nor be order of law and justice, under the pane of three thousand merkes, within sax days after the charge under the pane of rebellion, etc., and if he failyie to denunce, etc."

"The whilk day, in presence of the Lords of Secreet Counsell, compeirèd personalle M"William Forbes, advocat, and exhibite before the saids Lords Alexander Strauchane of Glenkindie; and siclyke compeirèd personalle William Stevinsone, servitour to M"Laurence McGil, advocat, and exhibite before the saids Lords Walter Halket, Johne Tarrell, and Johne Stevinsone and that for obedience of the acts whereby they become obeleist to that effect."

"The whilk day Thomas, Erle of Hadintoun, Lord Privie Scale, reproduced before the Lords of Privie Counsell his Majesteis letter by the whiche his Majeste heis made choise of the right reverend father in God, Johne, Archbishop of St. Andrewes, to be High Chancellor of this kingdome, and gave order for delieverie of the great seal to be keeped be his lordship; according whereunto James Prymrois, clerk of his Majesteis Privie Counsell, to whome the keeping of the seal, purse and mace wer formerlie committed, exhibite of new the said great seal, purse and mace whiche this day was givin up to the said Chancellor, who receaved the same with all dutifull and thankfull respect to his Majestie for the great honnour whereunto it hes pleased his Majestie to advance
him, offering himself to employ his best care and endeavours for approving himselfe worthie of the trust reposed be his Majestie in him."

"The whilme day, in presence of the Lords of Secret Counsell, com-
peird personallie Mr Patrik Lindsey of Wolmerstoun and become acit
and obleist, as cautioner and souertie for Mr Johne Lindsey, his sone,
that he sall compeir personallie before his Majestie Counsell or Justice
whenever he sall be lawfullie charged to answer upon his alleged
persute, hurtung and woundung of Patrik Mauld in St. Andrewes under
the pane of fyve thousands merkes; as alsua the said Mr Patrik become
acit and obleist, as cautioner and souertie for Robert Lindsey, his sone,
and Lenton in

that they sall compeir personallie before the saids Lords or before his Majestie Justice whenever they
shall be charged to the effect foresaid, they being within the countrie,
either of thame under the pane of fyve thousand merkes; and the
saids Lords declares that this caution shall be without prejudice to the
said Patrik Mawld to charge the persons foresaid to find caution to
under the law according to the commun course observed in like cases."

"The whilke day Mr Francis Hay, writter to his Majestie signet,
compeirand personallie before the Lords of Secret Counsell, produced
and exhibite before thame his Majesties caschet wherewith he was
entrustid be George, Erle of Kinnoull, late Chancellor of this kingdome,
whilk caschet was delveryed to Johne, Archbishops of St. Andrewe, whome his Majestie hves made choyse of to succeed in the place of the
said late Chancellor."

"The whilke day the Lords of Secret Counsell hes recommendit and
be the tennour heiruf recommends to George, Earle of Seaforth,
Arthure, Lord Forbes, Hew, Lord Lovat, Alexander, Lord Pitsligo,
Sir Alexander Irving of Drum, Sir Johne Mckeinzie of Tarbet,
William Mcintosh of that Ilke, Sir Robert Inness of Balvenie, John
Campbell, fear of Calder, Robert Campbell of Glenfallach, Mungo
Campbell, fear of Lawers, and the shireffs of Aberdein, Bamf and
Innerness, to give a trew and faithfull information in writ under their
several hands upon their honour of their knowledge of the disorders
in the North, of the causes, authors and instruments of the same,
with their opinion anent the remedies for pacifying the countrie and
compesing the authors thatirof, and that they delvery the same privilige to
the Lord St. Andrewe betux [and] the mornie at twelffe of the clocke."

Complaint by Sir Thomas Hope of Craighall, King’s Advocate, and Sir
James Leslie and Thomas Dalmahoy, his Majesty’s commissioners for
prosecuting the reformation of the sale of tobacco, through the promis-
cuous selling whereof by all manner of persons, and everywhere, and
often of that which is corrupted and rotten, the health of the subjects is
endangered; and for the remedy of which disorder his Majestie by

\[1\] Entered under 8th January, but with the following note on the margin:—"This act should be of
the date the 13 day of January."
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patent, dated at Quhythall, on 19th April last, granted absolute power to the said commissioners for seven years thereafter to regulate the sale of tobacco by granting licences to such persons as upon examination they should think fit to be entrusted with the retailing thereof and upon such terms as they should agree; whereupon proclamation was made for forbidding all other persons to sell or retail tobacco within the kingdom under penalty of confiscation of the tobacco and such other punishment as his Majesty’s Council should inflict. This proclamation being found unsatisfactory in respect of the penalty, his Majesty, with advice of his Privy Council, by a posterior act and proclamation fixed 100 merks as the penalty to be incurred toties quoties by every person who should contravene the same by selling or uttering tobacco by the ounce, pound or other proportion under and within a stone weight, of which penalty the half should go to the informer and the other half to the said commissioners, in addition to the confiscation of the tobacco. Yet, since the foresaid proclamation, John Peter and Robert Neish, burgesses of Forfar, have sold and uttered small quantities of tobacco at sundry times and have incurred the penalty above mentioned. Charge having been given to the said John Peter and Robert Neish, and they comparing along with his Majesty’s Advocate and the said Sir James Leslie, who referred to the defenders’ oath of verity for probation, the said Robert Neish granted that he sold a quarter stone weight of tobacco, and John Peter confessed he had sold five pounds weight. The Lords in respect of their admissions ordain them to agree with the said commissioners for giving satisfaction for their offence before Tuesday, the 13th instant; and this matter being called this day, and it being found that they had not dealt with the said commissioners as directed, the Lords ordain them each to have incurred the penalty of 100 merks, and ordain letters to be issued for payment thereof against them.

“Continewes the advising of the report anent the plaiding till Thurs-
day nixt.”

Sederunt—St. Andrewes; Glasgow; Mar; Murrey; Wigton; Edinburgh,
Gallouay; Dumfreis; Bining; Bishop of Edinburgh; Bishop of
Dumblane; Clerk Register; Advocate; Justice Clerk.

“The whilk day, in presence of the Lords of Secreit Counsell, compeired
Alexander Forbes and the Disorders in
George Stuart, servitour to Walter Hay, undertooke to exhibit the said
Alexander to give information anent the disorders in the North.”

“The Lords of Secreit Counsell, upon good and considerable reasons anent the
lands of Cantyre,
of state, ordains Sir John Hay, Clerk of his Majesteis Registers, to
discharge his clerkes and keepers of the registers of seassings of all
receaving and registration in their bookes of anie infeftment or seasing
to be takin be the Earle of Antrim or Lord Dinlucye or anie others to thair behove of the lands of Kintyre.”

“The Lords of Secret Counsell, having heard and considerit the petition givin in be Archibald, Lord of Lorne, anent the bargane and sale of the lands of Kintyre to the Earle of Antrim and his sone, and having considerit his Majestie interesse therein (the saids lands being a part of his Majestie annexed propertie) and the fearefull prejudices that may arise thereby to the disturbance of the publicit peace if the Earle of Antrim and his sone or anie of the Clandonndal (contrarre to the provision of the Earle of Argyle his infeftment of the lands foresaids) sal recover the possession of thair wounded inheritance frome whiche by his Majestie royll force and auctoritie they wer worthilie expelle, the saids Lords thinkes meit in respect of the importance of the bussines that the Clerk of Register sall remonstrat the estait and consequence thairof to his Majestie, and in the meantime that his Majestie be intreated by a letter to give warrand to his Exchecker to stay all passing of anie suche signature till the Clerk of Register may convenientlie repairie to court and acquaint his Majestie with the trew estait of the bussines.”

“The Lords of Secret Counsell, upon good and considerable reasons of stait moving thame, ordains letters to be direct charging Malcolm McNauchtane, baillie of Kintyre, James Steuart, chamberlane, Hew Campbell, commissar thairof, and all others, havers or keepers of the hous of Keadloch, Kilkerrin, alias Campbelltown in Kintyre, perteaning to James, Lord Kintyre, to reteane and keepe the possession of the said hous and not to suffer the Earle of Antrim, the Lord Dinlucye nor no others in thair name to apprehend possession of the same, notwithstanding of anie right or infeftment made and givin to thame thairof, ay and whill the saids keepers receave new order and direction from the saids Lords thereanent, as they and everie ane of thame will answer upon the contrare at thair highest charge and perrell; and siclyke to command, charge and inhibite John Nicoll, younger, writter in Edinburg, Donnal and Johne McGillichris, notars, that they nor none of thame presoome nor take upon hand to be notars to anie instrument of seasing to be takin of the lands of Kintyre or anie part thairof be the said Earle of Antrim, the Lord Dinlucye or their attorneys to thair behove, notwithstanding of anie chartour to be exhibite unto thame of the saids lands, as they will answer upon thair disobedience at thair perrell and under the pane to be callit, perssewed and punished as contemners of the saids Lords thair warrand and auctoritie.”

“The Lords ordains the commissiouen direct to the shiriffis of Aberdein, Bamff and Innernes againis the brokin men of the name of Gordoun to be renewed, with power to thame to goe outwith the bounds of thair jurisdicioun and to follow and perssew the saids brokin men and to raise how and cry, and to concurre with the nixt achiereff as the necessitie of
the service sall fra tyme to tyme require, and if the saids broken men sall abandoun their houses and places of retreat, with power to the saids shireffs to enter within the same and to keepe and fortifie the same till they certify the Counsell and receive order thereanent."

**Sederunt**—St. Andrewes; Glasgow; Mar; Murrey; Dumfreis; Lorne; Bishop of Edinburgh; Bishop of Dumblane; Naper. Edinburgh, 16th January 1635.

Renewal of commission to the sheriffs of Aberdeen, etc., anent the broken men in the Highlands.

"The whilk day the commissiouns to the shireffs of Aberdeen, Bamf, Inernnes, Elgine and Narne wer ordained to be renewed. Lykeas Thomas Crombie of Kemnay, shireff principal of Aberdeen, George Baird of Auchmedden, shireff of Bamf, John Campbell, fear of Calder, shireff of Narne, and Alexander M'Keinye of Culcowie, shireff of Inernnes, compeirand personallie before the saids Lords, the commissioun and the power and extent thairof were intimaunt unto thame and the charge and execution thairof were seriouslie recommandit unto thair care. And the saids Lords declared that what charges the shireffs sall bestow upon the keeping and fortifeing of suche houses and strongholds as they sall recover frome the rebells sall be thankfullie repayed unto thame, remitting heirby to the saids shireffs to appoint amongs thameselffes the dayes of thair meetings and convocation of the lieges in armes, and ordaining everie shireff to be leader of the companesiis within thair awne bounds and jurisdiction, with power to the saids shireffs to distribute and divide the inhabitants within the saids shirefdoms according to the bounds and place of thair residence and dwelling, as they sall thinke fitt, and accordinglie to appoint thame to attend upon the resort of the saids rebells within thair bounds, and to hunt, follow and persew thame according to the tennour of thair commission. And, for the better execution of this service and furnishing of vivers to the lieges who sall be imployd therein, the saids Lords gives power to the shireffs respective to prescryve and sett doune the prices of all victuals according to the accustomed rates receaved in the country and to see the lieges answered of vivers conforme to the saids rates and prices. And the saids Lords ordains the shireffs to certify the Counsell of thair proceedings fra time to time as they will answer upon thair neglect."

"The Lords of Secret Counsell, in respect of the shireff of Narne his necessar caus of abode heir, recommends unto him to give strict order to his depute for execution of the commissioun foresaid againis the broken men."

"The whilk day, in presence of the Lords of Secret Counsell, compeirand personallie John Murrey, alias M'Gregour of Glenstrae, and become actit and obleist as cautioner and souertie for Patrik M'Gregour, his brother, that he sall compeir personallie before the saids Lords upon the twelwe day of Febuarit nixt under the pane of fyve thouands merkes."
Complaint by Thomas Nairne of Athroak and John Riache, his servant, as follows:—On September last, Patrick Grant, son of the late Mr. Robert Grant, accompanied by twelve persons armed with bows, targes, Lochaber axes and other weapons, came to the lands of Athroak, where the said John was pasturing his said master’s goods, and, without any occasion of offence, they wounded him with their weapons on the head, arms and other parts of his body, to the effusion of his blood, “shamefullie tirred him of all his cloathes and sent him naked to his maister,” thereafter with stones and staves striking and wounding his beasts, and chasing them off his lands and rendering them unprofitable. The pursuers compearing by Colin McKenzie, their procurator, but the said Patrick Grant not compearing, the Lords ordain him to be denounced rebel and escheated.

“The quhilk day Thomas Areskine of Pittodrie exhibite to the Counsell the report of the truell takin by the commissioneris for the barons anent the presenting of plaiding to mercat in rolls; the advising quhairofof continewd to this day aucht days, quherof Pittodrie for the barons and Mr Alexander Guthre for the burrowes ar warned apud acta.”

“A proclamation discharging all merchants and others of all selling of bullet, poulter and other warrelie furniture to anie of his Majesties lieges without the knowledge and allowance of the shireff of the shire till they be warrantd in the contrare.”

“Ordainis John Stevinsone in Bamff to be committed to warde for traffiquing with Adame Gordoun.”

“Sederunt—St. Andrewes; Glasgow; Mar; Murray; Kinberne; Acta, June 1634-April 1636.
Wigtoun; Galloway; Dumfreis; Traquair; Naper; Bishop of Edinburgh; Bishop of Dumblane; Clerk Register; Advocate: Fol. 49, b.
Justice Clerk.

“The whilk day, in presence of the Lords of Secret Counsell, compeirde personallie Johne, Erle of Tracquair, and presented and exhibite before the saids Lords the missive letter underwrit, signed be the Kings Majestie and direct to the saids Lords, of the whilk the tennour follows:—CHARLES R.—Right reverend father in God, our right trustie and our right trustie and wellbelovit counsellour, right trustie and right wellbelovit cousines and counsellours, right trustie and trustie and wellbelovit counsellors, we gret yow weill. Whereas we did of late writt to yow at severall times for taking order with the abuses and outrages committed in the north, and understanding since of the great care and panes yow have takin in the same by using the lawfull meanes for rectifieing theirof, we give yow heartie thanks, and doe desire yow earnestlie to continewe yow all, as yow have begun, it being a bussines whiche we have so muche takin
to heart as importing in so high a measure the good of our service and the generall peace and quyet of that our kingdom. In regard whairof and that it is so presumptuous and extraordinarie a crime we will yow putt in execution anie law or president whateomever whiche to hath beene used at anie time heirtofore in the like caises, for doing whairof these presents shall be your sufficient warrant. Frome our court at Whitehall, theynth of Januar, 1635. Qhilk missive being read, heard and considerit be the saids Lords, they ordaine Androw Qhythye, keeper of the tolbuith of Edinburgh, to separat James Gordon of Letterfoure, Johne Gordoun of Innermerkie, Johne Gordoun of Park and William Gordoun of Tulloch, and to comitt thame to severall chambers till they be examined anent the disorders in the north; and forder the saids Lords gives and grants full powre and commissioun to Johne, Erle of Wigton, Alexander, Earle of Gallouay, Johne, Earle of Traquair, Sir Johne Hay, Clerk of Register, Sir Thomas Hope of Craighall, knight baronnet, his Majesties Advocat, when he may attend, and Sir James Carmichael of that Ilke, Justice Clerk, to examine the noblemen, barons and gentlemen in the North anent the disorders there and to try of thame who ar the brokin men by whome the peace of the countrie is disturbed, where they dwell, where and be whome they ar ressett, and who ar answerable for thame be the lawes of the countrie, and to report to the Counsell what they find by the saids examinations; and to meit the morne at eight of the clocke in the morning."

"Missives to the erles of Erroll and Mairshel and Seafort, the Lords Forbes, Pitaligo and Desfurde for assisting the shireiffs of Bamff, Aberdein, etc., in the execution of their commissiouns againis the brokin men."

"The quhilk day the Erle of Traquair produced the conjunct commissioun of the Middle Shires."

"The quhilk day Alaster Robertson, compeirand before the Counsell to give instruction anent the disorders in the North, the Lords ordain to him to attend the committee the morne."

"Forsamecke as the Lords of Secreet Counsell ar informed that Adame Gordoun, brother, Johne Gordoun of Park, Alexander Gordoun, younger of Innermerkie, Williame Gordoun, sone to Gordoun of Gollachie, Johne Gordoun, sone to Thomas Gordoun of Artlache, Gordoun, sone to Patrik Gordoun in Sutherland, Gordoun, sone to Johne Gordoun of Auchinhannah, Nathaniel Gordon, sone to Johne Gordoun of Ardlogie, Robert Gordoun, brother to the Laird of Geicht, to the shireiff of Aberdoon, etc., to pursue the broken men who have injured the Laird of Frentraught."
older, John Gordoun in Rothemay, Alexander Leith, brother to Harthill,
William Ros, son to John Ros in Ballivet, McGillivrie, 1632.
Servitor to John Gordon of Park, and McAbrabler, servitors to
ar the authors and committers of the late
disorders and insurrections in the North and of the heirs, depreda-
tions, fire raisings and others heauie oppressions committed upon the
Laird of Fendraucht his tenants and servants, whois hail goods they
have lifted, layed thair lands waist, hanged one of the poor tenants
upon the gallowes of Strabogie, burnt the said Laird of Fendracht his
barnaired, and compells suche of the tenants as remains upon the
ground to pay thame blackemail, and with ane high hand of rebellion
they have resolved to make themselfs masters of the said Laird of
Fendraucht his estait and to possesse themselfs therein and to keepe
the same by strent of armes in contempt and defiance of his Majestie's
royall auctoritie; being assisted in thair rebellions by numbers of brookin
Hielandmen and others, with whom they goe up and down the countrie
ravaging and oppressing his Majestie's good subjects, and in speciall poor
ministers who ar not of power to oppose thair violence, and that in so
hostile and terrible ane maner as the like hes not beene heard of at anie
time heeretofore, to the disgrace of his Majestie governement and to the
shame and reproach of his Majestie's officers and others his Majestie's
subjects of power, auctoritie and commandment in these parts where thir
rebellious persons resort againis thair dawtie and alledgeance to his
Majestie and affection quhilk they ow to the peace and quietness of the
countrie. For remeid whairof the Lords of Secret Counsell ordains
letters to be direct charging the shireffs of Aberdein, Bameff, Elgine,
Forres, Narne and Innernes and thair depute respective to convene and
raise in armes the hail noblemen, gentlemen and others sensible persons
within thair severall jurisdictions in proper person and to pas, follow and
persew the saids brookin men and all others brookin men being in thair
companie, where ever they may be apprehended, ather within thair awne
bounds or outwith the same and to raise how and cry, and to certifie the
nxt shireff and others ordinar judges to whois bounds they sail flee and
to concurre and joynye with thame frome time to time as the necessitie
of the service sail require, that is to say, the shireffs of Bameff and Aber-
dein to concurre and joynye with others within the shirefdomes of
Aberdein and Bamf, the shireffs of Bamf and Murrey to concurre with
others within the shirefdomes of Murrey and Bamf, the shireffs of
Innernes and Murrey to concurre with others within the shirefdomes of
Innernes and Murrey, as also to concurre with the shireff of Narne and
his deputs within the shirefdome of Narne, so oft as they sail be required
everie ane of thame be another and to proceed and goe on in that service
ay and whil the saids brookin men be apprehended and exhibite to his
Majestie Justice to underly thair deserved punishment, under all
highest penes and charge that the saids shireffs and others his Majestie
subjects may incure incaise of their disobedience, neglect or foreslowing of this service: Ordaining heirby his Majestie says shireffs to take particular notice and tryell of all suche of his Majestie's subjects who shall ather refuse, neglect or foreslow to give their personall, effauld and readie concurrence, or who having givin their concurrence shall desert the service before they be distem; and to give in ane list and roll of their names to the Counsell to the effect suche order may be tane with thame as the importance of the service requires: With power to the saids shireffs and others foresaids for the better apprehension and exhibition of the saids persons to raise fire, beare and weare hacquebuts and pistolets, assige houses, and to doe and perfrome all and everie other thing requisite and necessarie for their said apprehension and exhibition, notwithstanding quhatsomever lawes, acts or statutis made in the contrare, whereaen and all panes conteanit therein, and all slaughters, mutilations, fire raisings and others inconvenientis, quhilkis sall happin to fall out in the persute of the saide rebellious persons and ther assisters, the saids Lordes dispenses be thir presents, exonering thame thairof and of all crime and danger they may incure therefor simpliciter. And if it sall happin the said brokin men to abandon the places and houses of their ressett and retreate, commanding heirby the saids shireffs to enter within the saids houses and to keepe and fortifie the same till they certifie the Counsell and receave order and direction theraen. And incaise the saids brokin men for eshewing of apprehension sall happen to abandon the in countrie and flee to anie part of the Hielands nixt adjacent pertaining to the Marques of Huntlie, the Earle of Mar, the Laird of Grant or anie others noblemen, barons or gentlemen, commanding heirby the saids Marques, Earle of Mar, Laird of Grant and others foresaids and thair bailies, everie ane of thame within thair awne bounds and jurisdictions, upon advertisement to be made be the saids shireffs unto thame that thir brokin men ar come within thair bounds to raise the country people, pas, follow and persewe the saids brokin men with fire and sword untill they be apprehended as they will answer upon the contrare at thair highest charge and perrell, charging heirby the saids noblemen, barons and gentlemen and all others his Majestie lieges and subjects quhatsomever and in speciall the inhabittants of the burrowes of Aberdein, Bamf, Elgine, Narne and Inernes to rise, concurre, fortifie and assist in person the saids shireffs respective, notwithstanding of anie exemption pretendit be the burrowes, in all and everie thing tending to the apprehension of the saids rebellious persons and to attend and await upon the saids shireffs, till they be distem be thame, under all highest pane and charge that after may follow and under the pane to be persewe and punished as approvers and allowers of the saids rebellious persons and thair courses with all rigour and severitie."
Complaint by Thomas Crombie of Kemnay, sheriff principal of Aberdene, as follows:—The Laird of Fendraucht has been charged to make payment to the complainant, as sheriff, of £106 for his Majesty's taxation and £57 for his part of the commissioner's charges at the late parliament and Convention of Estates of 1630; but he refuses to pay, alleging that his lands are harried and laid waste so that he has no benefit thereof and ought not therefore to pay taxation; but this notwithstanding these sums will come against the complainant in his accounts with his Majesty's Collector. The pursuer comparing and the Laird of Fendraucht being represented by David Seatoun, his servant, the Lords after hearing parties, and "compassionating the distrest estate of the Laird of Fendraucht in respect of the manie incursionis, heirships and depredatis committed upon his tenants," remit the matter to the Lords of the Exchequer and recommend to them the superseding of any execution against the said Laird of Fendraucht for payment of the taxation due to his Majesty out of his lands until further order be given in the matter, and as they may judge expedient.

Supplication by James Paul, merchant in Pole, as follows:—He has for "these diverse yeeres bygone, lived in the condition and qualitie of ane merchant in the Kingdom of Pole with the commendation as weil of strangers as natives with whom he had commerce. Lykweis he tooke to his wyffe ane honest woman in that country with whom he did so painefullie travell in the mater of her religion, she being ane papist, as she is now become ane zealous professor of the truth. But they have beeene of late so vehementlie persecutit be the Jesuits that they were forced to leave those parts where they had their means and trade and to come heir to this kingdom for refuge and saistie. For about tua yeeres since or therby, he being at the burial of ane Protestant in Lubline, there fell out ane cruel conflict by the meanes of some Jesuits who hundit out a number of craftamen, louse people of their profession, who cruellie persewed the supplicant of his lyffe and with shot of musket, in the suppllicants sight, killed his brother, qhillik moved the supplicant to revenge his death by killing the man who killed him, and the conflict wes so hote that there wes three or foure killed on the Jesuits syde. Quherupon they prosecute the bussines with suche rigour that there wes twelf of this nation and dutches imprisoned and some judged to death. But the supplicant, escaping narrowlie by the favor of the Vaywod of Bells, cheefe governour there, they tooke his wyffe and deth with her in the maters of her religion by bettng, draggng and shamefull handling of her; but she remained constant in the truth and could nather by fire or tortour be gayned to that idolatrous profession. And, at last, she also escaping
hes lived this long tyme bygane verie obscurelie, and the supplicant himself durest not appeire in the countruye becaus of the extremitie of the law. Bot now, by the advye of the whole ministrie, the supplicant and his famillie are now come to this kingdome to live heir as by ane ample testimoniall sent in his favours by the superintendent and ministers of the orthodoxe religion in these parts to the clergie of this kingdome and by ane testimoniall of the said Vaywod of Bells upon the truthe of the premises more fullie appeires. And whereas the litle meanes quhilck the supplicant had is by this late inconvenient lost and it is impossible for him without the support of well disposed Christians to live in ane honest condition of lyffe," he craves a recommendation from their Lordships of his necessitous estate to all his Majesty's lieges, especially to such as have been travellers in the country of Pole, and to all archbishops, synods, presbyteries and kirk-sessions, and magistrates of burghs. This the Lords grant with the request to such that they will extend their beneficence and Christian charity to the supplicant.

Complaint by Martin Balfour, portioner of Lalatheine, as follows:—

He has frequently complained to their Lordships of the oppressions committed upon him and his servants by David Lundie of Achtermearnie, and especially in the year 1632 how he was prevented from leading his corns of the lands of Adie through the comonnty of Lalatheine to his own barnyard, when the Lords ordained the said David Lundie to suffer the complainer to do so. But Lundie pays no heed to their Lordships' decree, and, on 17th October last, "after the compleamer had yolkit his cartes to have brought home his cornis of Adie to the barnyeaird of Lalatheine, the said David, accompanied with three or foure persons, came to the compleamers servants who were bringing home his cornes, violentlie patt thame from the cornes, boasted, threatened and minassed thame with death if they medlitt any furder in that mater, so as the compleamers servants for feare of thair lyffis were forcit to leive the cornes and they stand upon the feilds sensyne exposed to the injurie of wedder so that a great part of thame are rotten and the rest destroyed with beasts." Further, in July last, when the complainer's goods were pasturing upon his own lands the said David and his accomplices hounded and chased them, "broddit thame with stalves," and still prevents them pasturing upon his own ground. Again, in 1632 they came to the complainer's "biggit faulds and violentlie threw doune the same to the ground, and tooke the faill thereof and biggit up the passage of the toure lone, so that the complainer's goods can gett no passage to his propertie; and sensyne he hes halding 5 desson of geisse upon the compleamers lands of Lalatheine be whom his cornes ar eaten and his sheepe rotten and perishit. And in Junij last the said David came to the compleamers commontie of Lalatheine, and hundit and chaist away his servants frome
casting fail thon." Both pursuer and defender comparring personally, and they and witnesses having been heard, the Lords find the defender guilty of violating their former decree, for which they decern him to pay £8 as expenses to each of the three witnesses in the case, and to enact himself in 1000 merks to permit the pursuer and his servants to carry their corns of Adie through the comonty of Lalathaine to his said barnyard. And the Lords remit the remaining points of the complaint to be dealt with by the judge competent.

“The quhilk day the Advocat exhibite to the Counsell a draught of a generall band groundned and having relation to the acts of parliament made for the peace and quyetness of the countrie.”

“The Lords ordains charges to be direct againis the noblemen, landlords and chiefts of clans to find cautioune conforme to the acts of parliament.”

“The Lords continewes the advising of the report anent the plaiding till this day aucth dayes.”

Patent for the appointment of John, Archbishops of St. Andrews, as Lord Chancellor, exhibited to the Council.

“The whilk day Johne, Erle of Mar, exhibite and produced before the Lords of Privie Counsell ane patent under his Majesteis great seal and privye seal of the dait at Whitehall, the fourteen of Januar instant, by the whiche his Majesteis hes beene graciously pleased out of his long experienced prooffe of the wisdome, fidelitie and affection to his Majesteis service of the right reverend father in God, Johne, Archbishop of St. Andrews, primat and metropolitane of this kimgdome, to make choise of him to be Lord High Chancellor of this kimgdome in place of George, Erle of Kinnoull, late Chancellor of the said kimgdome, with all honnours, libertie, priviledges and casualties dew and belonging to the said place; lykeas the said right reverend father in God, being personallie present and acknowledging his Majesteis gracious favour shawin unto him in preferring him to this high digniteit and trust, he receved with all dew reverence and thankfulness his Majesteis patent foresaid frome the said Earle of Mar and holding up his hands gave his great and solmein oath that he sall trewlie and faithfullie discharge the place and dewtie of ane Chancellor and sall keepe and use the great seal according to the trust reposed be his Majeste in him.”

“The Lords of Secreit Counsell, according to ane warrand and direction in writt signed be the Kings Majestie and this day presented to the saids Lords, hes receaved and admitted and be thir presents receaves and admits William, Lord Alexander, to be one of the Privie Counsell of this kimgdome, and to injoy all the honnors, digniteis, priviledges and
immunitieis proper and due to that place; lykeas the said Lord Alexander, being personallie present and acknowledging with all dew reverence his Majesteis gracious favour showin to him in preferring and advancing him to this honnour and digniteie, he with all humilitie on his knees, his hand lying on the halie evangell, made and gave the oath of alledgeance and of a privie counsellor. Followes his Majesteis missive for warrand of the act abonewritin:—CHARLES R.—Right truistie and weelbelovit cousine and counsellor, right truistie and weelbelovit cousines and counsellers, and right truistie and truistie and truistie and weelbelovit counsellers, we greet you weill. Understanding the habiliteis and affectiion to our service of our right truistie and weelbelovit William, Lord Alexander, and being willing for his better encouragement and enabling for our service heerafter to promove him to be one of our Privie Counsell of that our kingdome, it is our pleasure that, having administrd unto him the oath accustomed in the like caises, yow admitt him upon our said Counsell as one of your nomber, for whiche these presents shall be your warrand. Frome our court at Whitehall, 7 Januar, 1635.”

“Anent the supplication presentit to the Lords of Secret Counsell be Johnne Murrey, alias McGregor of Glenstrae, makin mention that where for obedience of the saids Lords their ordinance, he came to this burgh upon the ellevint of Januar instant, where he es remained sensyne attending the saids Lords their will and pleasure towards him, and now it is of trueth that his wife and barnes ar presentlie sick of a fever and he directed ane poet to him to come and visite thame, quhilck journey, if the supplicant had licencse, he would undertake and also bring and present with him his brother Patrik at suche a day as they sall presercyve; humbelie desyring thairfuir the saids Lords to grant unto the supplicant licence to goe home, lykeas at mair lenthe is coanteanit in the said supplication. Quhilck being read heard and considered be the saids Lords and they advised therewith, the Lords of Secret Counsell givis and grants libertie and licence to the said supplicant to pa home to his awne hous and to visite his wife and children, he acting himselfe for his awne compeirance and for exhibitioun of his brother Patrik upon the sevintene day of Marche nixt under the pane of fyve thousands merkes.”

“The quhilck day Adame, bishop of Dumblane, deane of the chappell, made intimation to the counsellers present that he wes to celebrate the halie communioun in the chappell of Halyruhous on Sunday nixt.”

“The Lords of Secret Counsell gives and grants commission be thir Appointment...
presents to Williame, Erle of Dumfreis, Johne, Earle of Tracquair, Sir
Johne Hay, Clerk of his Majestis Registers, Sir Thomas Hop of Craig-
hall, knight baronet, his Majestis Advocat, Sir James Carmichell,
Justice Clerk, and Mr Alexander Colvill, Justice Depute, or anie twa of
thame to convene before thame Henrie Yowman, prisoner in the tol-
buith of Edinburgh, for alleged counterfooting and outing of false
turnours, and to examine him where and frome whome he receaved thame
and who ar the forgers and counterfooters of the same, and to report to
the Counsell what they find therein."

"The whilk day the Lords of Secret Counsell hes concluded and
ordained that all landlords and chiftans of clans sall find caution for
observing of the acts of Parliament made aganis theefes, sorners and
brokin men conforme to the tennour theairof, and ordains suche as ar
present in town to find the said caution under their removall; and
ordains letters to be direct aganis these that ar absent for their com-
peirance before the Counsell to find the said caution under the panes
conteanit in the saids acts."

"The whilk day the missive letter underwrittin, signed be the Kings
Majestie and direct to the Lords of Privie Counsell, was presentit to the
said Lords and read in their audience, of the qubilq the tennor
followes:—CHARLES R.—Right reverend father in God, our right trustie
and weilbelovit counsellor, right trustie and right weilbelovit cousines
and counsellers, right trustie and trustie and weilbelovit counsellers, we
greet yow weill. Understanding of several papers and others things
whiche ar in the bands of [? the relict of] Sir Archibald Acheson, our late
Secretarie there, whiche may concerner our service in the said charge, and
being desirous for that effect that they sould be delveredy to our
Secretarie for the time being, it is our pleasure that yow take order that
she delverey up unto our right trustie and right weilbelovit cousine and
counsellor, the Earle of Stirline, or anie frome him, whatsomever seales,
papers or warraunds left by her husband which may concerner the said
office of Secretarie, for doing whairof these presents sall be your warrand.
Frome our court at Whitehall, the 8th day of Januar, 1635. Qubilq
missive being read, heard and considderit be the saids Lords, they
ordaine Johne, Erle of Lauderdale, to make intimation to the said
umquhill Sir Archibald his ladie of his Majestis will and pleasure
mentiouen in the said letter and to require her to satisfie the desire
thairof and to report her answer to the saids Lords upon Thursday nixt."

[Sederunt as recorded above.]

Supplication by Sir Colin Campbell of Glenurquhie as follows:—He was
charged, among others, to appear before their Lordships on 13th instant
to give such information as he could about the disorders of the north,
and in respect of his "desease and infirmitie and of his inabilitie to travell
on horse or foote, knawin to the country where he dwells," he has sent his brother had been accepted as his representative by the Council.

Robert Campbell of Glenfalloche, his brother, to answer for him, whom their Lordships were pleased to accept in his place. It is necessary, however, that he should have some note or record of their excusing of his absence, and this he craves. The Lords grant the same, that understanding perfytie the suppliants infrmitie and inabilitie to travell at this tyme of the yeere, in respect of his brother's comparance to answer for him, they hereby excuse his absence and dispense therewith and with all danger he may incur therethrough.

"Charges at the instance of his Majesteis Advocat and the Erle of Seaftor against the Captane of Clannranald and Sir Donald Gorme to set" 1695. The Captain of Clannranald and Sir Donald Gorme. Cautions for keeping of the acts of parliament and releasf of the Earl of Seaftor their superior." 1635.

"The Lord Louatt cautioner for Seaftor, Seaftor cautioner for the Lord Lovatt and laird of Grant, and Robert Campbell cautioner for his brother Glenurguie." 1626.

"The Lords assigns Thursday next to the Lords Forbes and Pitaligo, the lairds of McIntoshe, Balveny, Glenree, John Camron and laird of Caddell to find caution for observing the acts of parliament." 1626.

"The Lords ordains commissions to be past and expedite to suche noblemen, bourns and landshots as shall crave the same for persute of brokin men and sorners within their bounds, ordaining thame once every quarter of yeere to certifie the Counsell of their proceedings." 1626.

Sederunt—St. Andrewes; Glasgow; Mairshell; Mar; Gallouay; Edinburgh, Lorne; Lord Alexander; Lord Naper; Clerk of Register; Advocate; Justice Clerk.

"The whilk day M' James Gordoun, keeper of his Majesteis signet, Warrant for having exhibit before the Lords of Privie Counsell a number of false and counterfoote turnours and farthinges quhilks wer deprehended with Henrie Eubank, Englishman, the saids Lords ordains the said M' James to caus delyver the same to the generall and maister of the currieous whome the saids Lords ordains to caus destroy, deface or melt the same as they sall thinke expedient."

"Forsamekle as there wes sindrie seals, signets, papers and warrands and other things concerning his Majesteis service in the office of Secretarie in the hands of umquhill Sir Archibald Achesone, knight, his Majesteis late Secretarie, which now by his decease sould be delveryed to his Majesteis trustie cousine and counsellor, the Earle of Stirlinc, his Majesteis Secretarie, quhilike seals, signets, papers and writts ar now in the hands and keeping of Sir Leues Lauder, knight, sone-in-law to the said umquhill Sir Archibald, who will not deliver the same without ane warrand; thairfoir the saids Lords ordains letters to be direct charging
the said Sir Leues to compeir personallie before the saids Lords upon the
day of Februar nixt and to bring, produce and exhibite with him all
seales, signets, papers, letters, warrands and others writs and things
being in his hands and keeping concerning his Majestie service in the
said office of Secretarie to the intent the same may be delveryed to the
said Erle of Stirlinie, or suche as hes warrand frome him, conforme to his
Majestie direction sent don to that effect, under the pane of rebellion,
etc., with certificatioun, etc."

[Sederunt as recorded above.]

Supplication by Andrew Wardlaw, son of the deceased Mr. Patrick
Wardlaw of Torrie, as follows:—Their Lordships, commiserating his
hard estate in being left by his father with nothing but the heavy
burden of his debts, and to whom he was served heir by those in charge
of his education who were ignorant of this state of matters, granted to
him their protection from personal caption for a space. As the present
is the only season wherein the supplicant can profitably educate himself,
he craves an extension of the protection. This the Lords grant for the
space of three years after the date hereof.

"The Lords continewes the mater anent the plaing till Tuisday
nixt, quherof Pittodre for the barons and M' Alexander Guthrie for the
burrowes ar warned apud acta."

"Continewes the advising of Torphichins processe till this day aucht
dayes."

"A proclamation aganis the receavers and outers of false copper
coyne, and ordains a pattern of the false coyne to be sent to the
burrowes for their knowledge and discerning of the same and refuisall
thairtof."

"A letter to the Erle of Stirlinie requiring his lordship to acquaint his
Majestie with the abuse croppin in this kingdome by the course of fals
copper coyne alledged to be strickin and falsified in England and ouitted
heir, and thairfoir to desyre his Majestie to write to the shireffs and
justices of peace in England quhair the said coyne is forged and falsified
to take tryell of the persons offenders and to punishe thame conforme to
the law and accordinglie to provide aganis the like abuse in time
cuming."

"The quhilk day the Laird of Grant become cautioner for Balveny,
the Laird of Caskiben cautioner for the Lord Forbes, Alexander Forbes
of Boyntie cautioner for the Lord Pitligo, Sir Thoms Thomesone of
Duddingstoun cautioner for the Laird of Drum, Archibald Campbell
cautonier for the Laird of Lawers, elder and younger, the Laird of Caddell
and Schireff of Cromartie cautioners for others hinc inde, the Lord Lovatt
cautioner for Ballengowne, and Balangowne with consent of the shireff
of Cromartie, his curator, actit himselfe for Lovats releef for their
observance of the acts of Parliament made agains landlords and chiftans of clans."

"The Lords ordains the committee to meit the morne at nyne hours Broken men. for perusal of the rollis of brokin men."

"A proclamation discharging all his Majesties subjects of receaving or ressetting in their bounds anie goods but suche as they know to be lawfull goods and quhairof there is no ground of suspicion that the same or stollin, under the panes conteanit in the acts of Parliament made thereanent."

Act of caution by Sir Thomas Thomesone of Duddingston, knight, for Edinburgh, 30th January 1655. Sir Alexander of Irwing of Drum, knight, that he will observe the Acts of Parliament made for suppressing disorders and settling peace in the Hielands, Borders and other parts of the kingdome, especially the Act made in the Parliament held at Edinburgh in December, 1567, cap. 21; that in the Parliament held at Linlithgow, in December, 1585, cap. 16; that in the Parliament held at Edinburgh, in July, 1587, cap. 93 and 94; and that in the Parliament held at Edinburgh, in June, 1594, cap. 227; and that he will fulfil all the articles thereof relating to heads and chiftains of clans, under the penalties therein contained; with clause of relief. (Signed) S. THOMAS THOMSON; S. ALEX. IRWIN.

Similar act of caution by Sir George Johnston of Caskiben for Arthur, Lord Forbes; with clause of relief. (Signed) ARTHUR L. FORBES.

Act of caution by Sir William Forbes of Craigievar, knight baronet, for Sir George Johnston of Caskiben, that he will observe the Acts of Parliament for maintaining peace by the heads of clans, etc., as above; with clause of relief. (Signed) S. G. JONSTON of y'd Ilk. S. W. FORBES.

Sederunt—St. Andrewes; Glasgow; Mairshell; Mar; Murrey; Wigtoun; Gallouys; Lauderdaleill; Dumfreis; Trasquair; Bishop of Edinburgh; Bishop of Dumblane; Lord Alexander; Lord Forbes, Naper; Clerk Register; Advocate; Justice Clerk.

"The whilk day the missive letter underwrittin, signed be the Kings Majestie and direct to the Lords of Privie Counsell, was presented to the saide Lords and read in thair audience, of the quhilk the tennour followes:—CHARLES R.—Right reverend father in God, our right trustie and weibelovit counseller, right trustie and weibelovit counsines and counsellors, right trustie and trustie and weibelovit counsellors, we greet yow weil. Whereas we did formerlie write to yow that yow sould take into your consideration the fraude used by sellers of plaidding in presentin thairof to mercurt in hard rollis, whereby under trust they deceave the buyers, and now understanding that upon good considerations yow have
delayed the commissioners of our free burrowes who did prosecute the rectifying of the same before yow till Januar nixt; it is our pleasure that at the said time after a dew tryell of the abuse yow caus suche an order to be speedie takin and punctuallie kept that the said commoditie be sold at all time hereafter in opin folds, exposing it to the full view of the buyer. So expecting all possible expedition herein for the speedie dispatche of these commissioners of our burrowes who shall attend the same, we bid yow farewell. Frome our court at Whitehall, the last of December, 1634. Qhilkis missive being read, heard and considerit be the saids Lords, they continew the advising of the mater and the reports givin in be the commissioners for the burrowes and gentrie anent the fraude foresaid used in presentin of plaiding to mercats in hard rollis and anent the prejudice sustained by the sellers in the mettage of their plaiding be the commoun metaters, till this day aucht dayes."

"The Lords of Secreet Counsell gives full power and commissioun be thir presents to John, Earle of Lauderdale, John, Earle of Tracquir, William, Lord Alexander, Sir John Hay, Clerk of Register, Sir Thomas Hop, his Majestis Advocat, and Sir James Carmichell, Justice Clerk, or anie three of thame, the said Erle of Tracquir being one, to convene at suche times and places as the said Earle shall appoint, and to review, examine and collation the booke, rollis and charge of the taxatioun of threttie schillings money upon the pund land grantit to his Majestie be his Estates in the moneth of Junij, 1633, and of the taxatioun of ten shillings upon the pund land grantit to the senators of the Colledge of Justice, and after perusall of the saids rollis to summe and compare thame with the charge of former taxations and to report the same to the saids Lords."

"The Lords of Secreet Counsell ordains and commands the noblemen and barons who wer cited to compeir before the Counsell anent the disorders in the North and ar presentlie in town to find caution for observing the Acts of Parliament made anent landlords and chiftans of clans betuix and Thursday nixt."

Act of caution by John Grant, apparent of Ballindallach, for William M'Intoshe of Kylachie, and by the said William M'Intosche for the said John Grant, that they will observe the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as ante, p. 477; with clause of relief. (Signed) John Grant; WM. M'INTOSCHIE.

Similar act of caution by Thomas Erskine of Pittodrie for George Baird of Auchmeddin and by the said George Baird for the said Thomas Erskine; with clause of relief. (Signed) T. ERSKYNE; GEORG BAIRD.

Similar act of caution by Sir William Forbes of Monymusk for George Gordon of Newton, and by the said George Gordon for the said Sir
William Forbes; with clause of relief. (Signed) MONYMUSK, G. Forbes of
GORDON of NEVTON.

Sederunt—St. Andrewes; Privy Seal; Glasgow; Mairshell; Mar;
Murray; Gallouay; Wigtoun; Dumfreis; Tracquair; Bishop of
Dumblane; Lord Alexander; Lord Naper; Clerk Register;
Advocate; Justice Clerk.

"The Lords of Secret Counsell continewes the advising of the processe anent the lordship of Torphichin till the nynetene of Marche nixt, of the quhilk continuatioun the Lord Torphichin and his Majestie Advocat ar warned apud acta."

"Forsameeke as the Lords of Secret Counsell, upon verie good considerations importing the peace and quyet of the countrie, hes givin order and direction that the Earle of Antrim his sounes nor name of the name of Clandonnald nor no others to thair behove sail apprehend possession of the lands of Kintyre and Jura nor of the houes of Camloch in Cameltoun till his Majestie pleasure be knowe, so it is verie expedient for the considerations foresaid that the said Erle nor his sone nor thair bailleis in thair names sail in no wayes be acknowledged within the saids bounds nor allowed to hald courts within the same; and for this effect the saids Lords ordains letters to be direct to command, charge and inhibit the said Earle of Antrim, Lord Dinluxe, his sone, and all others constitute or to be constitute bailleis be thame that they in no wayes presosome nor take upon hand to hald anie courts within the bounds foresaid and that none of thame presosome to accept commissions of baiellier frome thame to that effect under the pane of his Majestie high displeasure and indignatioun; and siclyke to command, charge and inhibit all and sindrie the inhabitants of Kintyre and others his Majesties subjects be opin proclamation at all places needfull that none of thame presosome nor take upon hand to compeir or answer nor to give sute and presence, persew or defend in anie courts to be proclaimed, appointed or affixe to be haldin in Kintyre or Jura be the said Earle, his sone, bailleis or anie in thair names till his Majestie further pleasure be knowe, certifieing thame that sall failjie and doe in the contrare heirof that they sall be callit to thair presence and persewed accordinglie."

"The whilk day Johne Nicoll, younger, sone to Johne Nicoll, written to his Majestie Signet, compeirand personallie before the Lords of his Majesties Privie Counsell, and being demanded if he had givin out anie extract of the instrument whereunto he was notar of the seasing giving to the Lord of Dinluxe of the lordship of Kintyre, he depounded and declared that he had givin out no extract of the saied seasing bot and short minute bearing the day of the said seasing and witnesses present thereat; quhilk declaration being heard and considerit be the saids Lords and they advised therewith, the Lords of Secret Counsell com.
mands and ordains the said John Nicoll, who was personallie present, that he in no wayes presume to booke nor insert in his register nor to extract, give out nor to extend ane instrument of seasing of the said lordship in favor of the said Lord of Dunluce nor to offer or cause the same be offered to the register as he will answer upon the contrarie at his perrell. Lykes the said John, being personallie present, promeist to give obedience to the saids Lords their commandement in this mater. Followes his Majestis missive in the mater abonewrittin:—CHARLES R. Right reverend father in God, right trustie and wellbelovit cousins and counsellors, right trustie and trustie and wellbelovit counsellors, we greit yow weil. We receaved your letter whereby we perceave you have givin order to stop all proceedings in the bargyme concerning the sale of Kintyre to the Earle of Antrim or the Lord Dinlunce, his sone, for the which we give yow heartie thanks, acknowledging the same to be good service done to us, tuicheing which purpose we had of late by our letter signifed our pleasure to the Earle of Traquair to be imparted to our Exchecker, whiche apparentlie came not to his hands at the writting of your letter to us. We are heibry pleased for the considerations mentionned therein, whairof we have beene pleased to take particular notice, specialie to recomand unto yow that, if the Lord Kintyre hath done anie thing contrarie to our royall intention heerin, that yow use your best endeavours to make it ineffectual and that yow lykewyes prevent anie interest or possession the said Earle his sone or anie of that name may have in these lands by whatsoever maner of way, and to that effect that yow give suche order as yow to that purpose sall thinke fitt to prescribe, and in the meantime that yow signifie our pleasure heerin to our Exchecker that they give way to nothing contrarie to this our intention unleese we sall be pleased to give further order thereon: for whiche these presents sall be unto yow and thame sufficient warrand. We bid you heartilie farewell. From our court at Whitehall, 28 Januar, 1635."

"Forsamekle as the Lords of Secret Counsell hes thought it meit and expedient for the better preserving of his Majestis peace and restraining the misrule and insolenceis of the lawlesse and insolent persons in the Hielands that the hall landlords and chiftans of clans in the Hielands sall be putt under caution for making of thair men, tennents and servants, and suche as they aucht to answer for, obedient to the lawes and for redresse and satisfactiou of parteis skaithed, conforme to the acts of Parliament made thareneant, thairfor the saids Lords ordains letters to be direct charging William, Erle of Erroll, George, Erle of Caithnes, William Lord Berridaill, John, Earle of Sutherland, Donnald, Lord Rees, James, Lord Ogilvie of Airlie, John, Earle of Mar, John, Earle of Perth, John, Earle of Atholl, Mungo, Vicount of Stormont, William, Erle of Airth, Patrik, Earle of Tullibardin, James Lord of Downe, McFarlane of Arrochar, Colquhoun of Lus, Walter McAwlay of
Ardincreple, Archibald, Lord Naper of Merchinstoun, Halden of Gleneagles, Schaw of Knockhill, Schaw of Cambusnoir, the laird of Kippanros, Stirlin of Keir, Sir Alexander Meinzeis of Weme, Sir William Stuart of Garnetullie, Robertzon of Strowane, Murrey of Strowane, John, Earl of Wems, Maxuell of Teling, Sir Patrik Ogilvie of Inchemartine, Thomas Forthingame of Powrie, Sir John Moncreiff of that Ilke, Toshoch of Cultibrage, Ogilvie of Clova, David Graham of Fintrie, Lindsay of Edyel, McRannald of Glengarrie, Sutherland of Duffus, Mouat of Bokhullie, Sinclair of Dunbeth, Duncane Steuart of Appin, McCoul of Lorne, McCoul of Rara, Campbell of Lochinnell, Sir Robert Montgomery of Skelmurelie, the Laird of Loup, Sir James Steuart, shireff of Bute, Bannatyne of Kames, Campbell of Achinbreck, Campbell of Ardkinlas, the Laird of McNaughtane, the Laird of M'Clauchlane, the Laird of Lamont, Campbell of Farbreck, the Laird of Duntrune, the Constable of Dunrie, the Laird of Ellingreg, the Laird of Ottir, etc., to compeir personallie before the saids Lords upon the day of Junij nixt provided to find the said caution and soueretie conforme to the saids acts of Parliament in all points under the pane of rebellion, etc., with certification, etc."

"The whilk day Stirlin of Achyle, having reported to the Lords of Privie Counsell the letters and charges direct anent the stopping of the Earl of Antrim and his sone from apprehending possessiou of the lands of Kintyre, and the saids Lords having heard the said Baron of Achyle at lenth thereanent, they allow of his diligence and proceedings according to the warrand of the saids letters."

"The whilk day, in presence of the Lords of Secret Counsell, com-peir personallie John Camroun, son to Allane M'Cenday of Lochyell, and Alaster M'Donald of Glencoe and actit, band and oblesit thame-selves to remaine and keepe waird in Edinburgh and twa miles about and not to depart till they find caution conforme to the acts of Parlia-ment made aganis landlords and chiftans of clans, under the panes following, viz., the said John Camron under the pane of fyve thousand merkes and the said Laird of Glencoe under the pane of three thousand merkes; and the said John Camron actit himselfe to find the said caution betuix and the last of this instant or otherwayes give his appearance whenever he sall be charged at the dwelling hous of the said William Chalmers under the said pane of fyve thousand merkes."

Act of caution by John Forbes of Leslie for Arthur Forbes of Gyght, and by the said Arthur Forbes for the said John Forbes, that they will keep the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as ante, p. 477, with clause of relief. (Signed) A. FORBES OF ECHT; J. FORBES OF LESLIE.

VOL. V.
Similar act of caution by Sir John Grant of Frewchie for Sir Robert Innes of Baveni; with clause of relief. (Signed) ROBERT INNES OF BAWENI; S. J. GRANT, cationer.

Mutual caution by Sir Thomas Urquhart of Cromartie for John Campbell, iar of Caddell, and by the said John Campbell for the said Sir Thomas Urquhart; with clause of relief. (Signed) CROMERTIE; J. CAMPBELL, FIER OF CALDER.

Similar act of caution by George, Earl of Seaforth, for Sir John Grant of Frewchie, knight; with clause of relief. (Signed) S. J. GRANT; SEAPORT, cationer.

Similar act of caution by George, Earl of Seaforth, for Hew, Lord Fraser of Lowatt; with clause of relief. (Signed) LOUATT; SEAPORT, cationer.

Similar act of caution by Hew, Lord Fraser of Lowat, for David Ross of Ballangowne; with clause of relief, in which Sir Thomas Urquhart of Cromartie, as one of the curators of the said David Ross, joins. (Signed) DAVID ROSS; LOUATT, catiner; Cromertie consentis.

"Chargis againis landloards and chiftans of clans for thair compeir- ance upon the xvij of Marche to find caution conforme to the lawes."

Act of caution by Alexander Forbes of Boyndie for Alexander, Lord Pitaligo, that he will observe the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as ante, p. 477; with clause of relief. (Signed) PETSILGO; ALEXER FORBES, cationer.

Similar act of caution by Hew, Lord Fraser of Lovat, for Thomas Fraser of Streachin, Thomas Fraser of Strowy, and William Fraser of Drumchardeny, with clause of relief. (Signed) LOUATT, cationer; T. STRACHINE; THOMAS FRASER OF STROWY; W. FRASER OF DRUCHARDENY.

Sederunt—St. Andrewes; Glasgow; Mairshell; Mar; Murrey; Wigtoun; Gallouay; Dumfries; T rascairr; Bishop of Edinburgh; Bishop of Dunblane; Lord Melvill; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk.

"The Lords of Secreet Counsell ordains and commands Patrik, Archibishop of Glasgow, Johne, Erle of T rascairr, and Archibald, Lord Naper, to revise and consider the reports givin in be the commissioners for the barons and burrowes in the North tuicheing the abuses in presenting of plaiding to mercate in rollis and anent the mettage thairof, and, upon conference with the barons and burrowes, to foresee and resolve upon the best course how the plaiding being presented to the mercat in folds may be preserved from spoyle by the injurie of the weather and to report to the saids Lords what they find therein."

"The whilk day Johne Gordoun of Carnefeild, compeirand personallie before the Lords of Secreet Counsell for obedience of the caution found
be him to that effect, the saids Lords ordains him to attend the com-
mittee appointed for examination of informers anent the disorders in the
North and not to remove till he be warranted be the saids Lords."

"Anent the supplication presented to the Lords of Secret Counsell be
Johne Gordoun of Buckie, makand mentiouin that where at his last
appearance before the saids Lords he was ordaind to find cautiouin for
his compeirance upon the thrid of this instant to underly their pleasure
anent the disorders in the North, quhilk dyet he was fullie resolvd to
keepe, but the storme is so greate that nane can travell on hors or foote;
and the supplicant is aged and weake and become verie sickelie since his
last appearance before the saids Lords and without the hazard of his life
darre not adventure to travell till the storme breake, as ane testimoniall
under the hand of M' John Logie, minister, heiris, humbelfie desyrel
thairfoir the saids Lords to continew the dyet of his appearance till
some convenient day after the storme breake; lykeas at mair lenth
is conteinait in the said supplication. Quhilk being read, heard and
considerit be the saids Lords and they advised therewith, the Lords of
Secrete Counsell continewes the dyet of the said supplicant his appear-
ance till the first counsell day of Marche nixt, the said supplicant finding
cautio for his compeirance that day under the pane of three thousand
merkes."

"Forsamekle as the slaying, sellin and eating of fleshe in time of
Lent hes beene, upon verie good respects and considerations, by diverse
acts of Parliament and Secret Counsell straitlie prohibite and forbidding
within this kingdome under certane panes mentioned and conteinait in
the same acts, nevertheles the Lords of Secrete Counsell ar informed that
diverse persons of all rankes and qualitez, preferring their awne privat
contentment to the obedience of the law, ceasses not in time of Lent to
slave, sell and eate flesh at thair pleasure, to the great hurt of the
commoun weale and contempt of all good order and governement. And,
whereas the persons offending in this kynde presoomes of oversight and
imputitie be reasoun of the connivence alledged shawin to thame in tyme
bygane, quhilk is ane inducement to thame to continew in their wilfull
contempt and breake of the law, thairfoir the Lords of Secrete Counsell
hes resolved that with all rigour and extremitie they will execute the
law aganis all suche persons as darre hereafter presoome to violat the
same in this point; and thairfoir ordains letters to be direct to command,
charge and inhibite all and sindrie his Majesteis lieges and subjects, of
what estait, qualitie and degree soever they be, be opin proclamatioun
at the mercat croces of the heid burrowes of this kingdome and others
places neidfull, that nane of thame presoome nor take upon hand during
this forbiddin time of Lent to eate or make ready for eating ane kynde
of fleshe under the panes following to be uplifted of everie person contra-
veening so oft as they falyrie; that is to say, of everie erle ane hundredth
punds, of everie lord ane hundredth merkes, of everie baron fourtie pundis,
of everie burges, ostler and commoun cooke that sellis meete and drinke
fourtie pundis, and of everie other gentleman suche soumes of money as
sall be imposed upon thame be the judges before whome they sall be
tried; as alsa that no fleshers presomne nor take upon hand to sell nor
alay flesh during the time foresaid of Lent under the pane of fourtie
pundis so oft as they fallie; and by and attour the payment of the
pecuniall soumes foresaid the offendors sall be punished in their persons
at the discretion of his Majestieis Counsell. And siclyke to command
and charge all and sindrie shireffis, stewarts, provestis and bailleis within
burgh and all others bearing anie publict office and charge within the
kingdome that they and everie ane of thame within the bounds of their
severall offices and jurisdictions have a speciall care and regarde to see
this present act observed in everie point, and where they sall happen to
discover anie person or persons contraveening thir presents that they take
notice of thair names and informe his Majestie Counsell thairof to the
intent the offendors may be callit to thair answer and punished
accordingly."

"Charles, be the grace of God king of Great Britain, France and Ire-
land, defender of the faith, to all and sindrie our lieges and subjects
whome it effeiris to whois knowledge this our letters sall come, greeting.
Forsameekle as we have given and grantit and be the tenour heirof
gives and grants libertie and licence to the Lords of our Privie Counsell,
Session and Excheker, and to suche as sall accompanie thame at table, to
eate flesh during this forbiddin time of Lent and upon Wednisdai,
Fryday and Saturday for the space of ane yeere nixt after the dait
heirof, without pane or danger to be incurred be thame therethrow in
their persons or goods, notwithstanding quatsomever acts and proclama-
tions made in the contrair, whereanent and all panes conteanit therein
we dispense be thir presents, discharging heirby our Justice, our Advoca-
and Justice Clerk, and all others our judges, officers and ministers of our
lawes of all calling, accusing or anie wayes proceeding agains the sais
Lords of our Privie Counsell, Sessioun and Exchequer and persons
accompanying thame at table, as said is, or anie of thame for the caus
foresaid, discharging thame thairof and of thair offices in that part
simpliciter be thir presents. Givin under our signet at Edinburgh, the
tent day of Februar and of our raigne the tent yeere, 1635. Sic
subscribe, Sanctandrows, Cancellarius; Glasgow; Mar; Gallouay;
Alexander; Ja: Carmichell."

Edinburgh, 12th February 1638.

Suderunt—Chancellor; Mar; Murrey; Wigtoun; Gallouay; Trac-
quair; Bishop of Edinburgh; Bishop of Dumblane; Lord
Melvill; Lord Naper; Master of Elphinston; Clerk Register;
Lord Alexander; Advocate; Justice Clerk.

Sir Lewis

"The whilk day, in presence of the Lords of Secret Counsell, compeirid
personallie Sir Leues Lawder, knight, sone-in-law to umquhill Sir Archibald Achesone, late Secretar of this kingdom, for obedience of the charge givin unto him for exhibition before the saids Lords of the signets, writts and warrands concerning the office of Secretary quhilks wer in the said Sir Archibald his keeping and possessioun the time of his deceas, and brought, presented and exhibite before the saids Lords twa signets in gold and ane signet in silver togidder with foure keyes of foure presses quherin, as he affirmed, the hail writte and warrands concerning the office of Secretarie ar keeped, and declared upon his oath that the presses wer never opened since Sir Archibald his deceas except onelie at one occasion for seeking out of ane bill of suspension at the instance of Agnes Keith, relict of umquhill M' Alexander Keith, person of Duffus, and George Gordon of Tillichowdie, her spouse, againis Margaret and Annas Keiths, daughters to the said umquhill M' Alexander. Quhilk bill wes also produced and exhibite be the said Sir Leues; lykeas the saids signets, bill and keyes wer judiciaillie givin up to the Lord Alexander in name of the Earle of Stirlin, his Majesteis Secretar for this kingdom. In respect of the quhilk producition and delyverie made, as said is, the saids Lords exoners and discharges the said Sir Leues and the airs and executours of the said umquhill Sir Archibald of the saids signets and keyes of the presses wherein the saids writte ar alleged to be and declares thame free thairof and of all danger that may incurre there-throw in tymecomming.”

[Sederunt as reordred above, omitting Lord Alexander.]

Complaint by Arthur, Lord Forbes, and John Alshonner in Bogheid, Patrick Alshonner, his son, John Knight there, and John Scot in Oldhart- hill, servants to the said Lord Forbes, with Sir Thomas Hope, his Majesty's Advocate, as follows:—Although the carrying of hagbuts and pistols and convocation of the lieges in arms is strictly prohibited by law, yet, on 13th October last, being Sunday, Adam Abercrombie of Aldrayne, John Lobane, Alexander Scattertime, and Gauld, his servants, Alexander Leslie in Pethnick, James and Adam Gordoun, sons of George Gordoun in Logiealtoun, Alexander Leslie in Tocher, and others, many of whom are his Majesty's rebels for the crimes of murder, slaughter, and adultery, and some excommunicated, all armed with swords, halberts, staves, hagbuts and pistolets, came under silence of night to the dwelling houses of Lord Forbes's servants, broke up the doors and cruelly pursued the said servants for their lives, stopped the beds of the houses with their swords, struck at the women with their pistols and hagbuts, put violent hands upon the said Patrick Alshonner, and without any lawful authority carried him away captive; and the said Adam and his accomplices daily carry these forbidden weapons, going and riding therewith in all parts of the country and threatening all the lieges against whom they bear any
Complaint by John, Earl of Cassillis, and Sir Thomas Hope of Craig-hall, knight baronet, King's Advocate, as follows:—On 30th July, 1628, John Hannay of Sorbie and the deceased Andrew Hannay, apparent of Sorbie, his son, appeared before their Lordships and became cautioners in 10,000 merks that Sir Patrick Agnew of Lochnaw, sheriff of Wigtown, would keep the peace with the said Earl and not molest him nor any of his tenants, servants nor dependents, and the said Sir Patrick obliged himself to relieve his said cautioners; yet, on 26th December John Kennedie of Knokda, tenant of the said Earl in the lands of having occasion to go to the town of Stranrawer to buy a plough beam, having with him John Mc'Abler, a ploughwright, and being perceived there by James Agnew, son of the said Sir Patrick living in household with his father, and for whom his father must answer, before he had time to enter a house for this purpose, the said James came off the Hie Street toward the said tenant, and “most disgracefullie toukit him and almost dang him to the ground. Wherewith the said John, having patiently comported and having onelie tauld the said James that the way wes broad eneugh and that he might go by, he disdainefullie bade the said John kisse his ers, and with that he drew his sword and cruellie invadit the said John of his lyffe, who, preferring his obedience to his Majesteis peace to his awne passion and privat revenge, he left the said James and went to aie little hous hard by, thinkeing thairby to have eshewet farder trouble. Bot the said James continowyng in his bloodie resolution to have the said John Kennedie his lyffe, he drew unto himselfe Patrick Agnew, who is lykewayes in houshold with his father oneforisfamilist, and Patrick Agnew of Arreis and Alexander Agnew of Tung, and came verie furiouslie to the little hous where the Earles tenant wes and provokit him with many outrageous speeches to come furthe, calling him 'Deboesht knave' and bidding him come furth, if he durst, for his hanging, and threatened to brashe and ding up the doores of the hous. And the said John Kennedie, feairing that the little hous wherein he wes could be no saftie for him, he resolved to have fled from that hous to a more sure hous in the toune; qhilk being forseen be the persons foresaid, who were standing about the hous with their drawin swords in thair hands, how soone the said John preist to come furth they cryed one to ane ane other, 'Come behind him and about him and make him sure,' and with that they shamefullie persewet him of his lyffe, gave out a number of
strakes at him and gave him a cruel stroke on the shoulder quhilke had killed him if it had not lighted on his coat, quhilke wes of Yrish mantle. And the said Sir Patrick being hard by himselfe all this tyme, attending the event of this bussines, accompanied with Ouchtrid Agnew of Galdinoch, William Agnew of Creech, Ninian Agnew of the Tron, with a number of others their complices, all boddin in feare of warre, came furiouslie upon the said Earles tenent and resolved to have ended that quhilke his sones had begune; to witt, to have tane the said John Kennedies lyffe, quhilk they had not failed to have done were not the provest and bailies of the burgh convened the bodie of the town and releived the said John frome the perisoun that perseweid him. Lykes as upon the 18 day of November last the said Sir Patrick sent the said Patrick, his sone, to the Meikle Larg where Fergus Lin in Larg dwells, to take from him by faire play or foule ane mairt perteaning to his Majestie quhilk Gilbert Mure, messinger, had lawfullie tane up to his Majesties use, and threatned to cast doune'ane ree where the said mairt with the rest of the said Fergus his drift wes, bot, being stayed be the said Fergus, the said Patrick sent to his said father for more helpe, who immediatlie sent the said James, his sone, with six others boddin in feare of warre with swords, hacquebutts, pistolets and others wapons invasive to assist the said Patrick, his sone, and how soone the said James came to the said Patrick he tooke a pistoll from his belt purposelie to have [slain] the said Fergus therewith, quhilk he had not failed to have done, were not he wes stayed be William Mc'Donell in Glennerices and some others present for the tyme,” the said Fergus being man and servant to the said Earl. The pursuers comparieing personally and also the said Sir Patrick Agnew as defender, and they and their witnesses having been heard, the Lords considering the depositions “concerning the said Sir Patrick his cariage and the cariage of the said John Kennedie of Knockda by his provocation of the said Sir Patrick, his sones,” find nothing proven against the said Sir Patrick to infer a contravention against him of the said Act of lawburrows, and accordingly assolzie him.

Counter complaint by his Majesty's Advocate, and Sir Patrick Agnew of Lochnaw, as follows:—On 22nd July, 1628, as aforesaid, John, Earl of Cassillis, and the said Sir Patrick were placed by their Lordships under caution of lawburrows, and both were ordained not to leave the town until they had done so. Sir Patrick obeyed and found caution, but the said Earl disregarded the Council's ordinance and passed home without finding caution, and has no intention of doing so; and Sir Patrick bore with this, being unwilling to bring the said Earl to a new hearing, and believing that their Lordships' decree for his finding caution would suffice to secure the infliction of the penalty in the event of the Earl's violation of the lawburrows. On 20th December last John Kennedie of Knokda, man and tenant to the said Earl of Cassillis, came at the said Earl's instigation to the town of Stranrawer,
"armed with a mealzie coat, plait sleives, sword and batton in his hand of purpose to have funde the said Sir Patrick or some of his bairnes in the toune to have done thame some affront; and he perceaving James Agnew, sone to the said Sir Patrick, walking to the hous of, the said John preast to have come betuix the said James and the hous and to have persewed him of his lyffe; bot, being impedit be some persons present for the tyme, he disclainefullie cryed, 'I have done a worse turne nor lay a batton on your head.' Bot the said John Kennedie, perceaving the said James walkeing throw the streit, he came out of the hous with a drawin sword in his hand and verie hardlie persewed the same James of his lyffe and had not faillied to have slaine him, were not his awne better defence. And the cry being risen in the toune that the said James wes persewed of his lyffe be the said John, Patrick Agnew, brother to the said James, came furth to have seeme what the mater meanit; bot, how soone the said John saw him, he feireolie persewit him of his lyffe, strake and woundit him on the right hand, quhereof he is like to be mutilat. Informatiou of the qhilk disorder being brought to the said Sir Patrick, who wes present in the toune, he as judge in the countrye came furth of his ludgeing and commanded his Majesties peace to be keped. And the said John Kennedie, not content heirwith, upon the morne that after, being Sunday, the said John convocat togidder the hail gentlemen of the parishes of Lesuade and Inshe of Gallouay, being tenants and followers to the Earle of Cassills, all boddin in feare of warre with swords, stalves, lances, and in hostile maner came to the said Sir Patrick his parish kirk resolved to have debarrad him from the kirk, were not thair furie wes appeased be some gentlemen." And thus the said Earle has violated his band of lawburrows and ought to be decerned to have incurred the penalty thereof. Both pursuer and defender compearing and they and their witnesses having been heard, the Lords find nothing proven against the said Earl to infer a breach of the said act, and therefore assoilzie him.

Sedent—St. Andrewes; Privy Seal; Mairshell; Mar; Murrey; Acts June Wigtoun; Gallouay; Lauderdaill; Tracquair; Bishop of Edin-1636-April burgh; Bishop of Dumblane; Lord Alexander; Lord Melvill; 1635.

Edinburgh, 17th February 1635.

Proclamation prohibiting the importation and circulation of certain foreign copper coins. "Forsamekle as it is understand to the Lords of Privie Counsell that of late there hes beene a great quantitie of false and counterfoote copper coyne brought within this kingdom in the species of turnours and farthingis qhilkis wer formerlie discharged to have course by act of Counsell of the dait the tenth of November, 1631, as also there is sindrie other speeces of forrane copper coyne brought in and vented within this kingdom suche as Holland doyts, doubles and suche other
kynde of trashe unlawfull to have course and never allowed nor
tolerat within this kingdome at anie time heiretofore; and whereas it
is ane great disgrace to his Majestie's governement, ane contempt of his
royall auctoritie and scandall to the kingdome and great hurt to the
subjects that this false and counterfoote copper coyne, the farthing
tokens formerlie discharged or anie other forранe base copper coyne,
sould have anie course or passage within the kingdome; and the saids
Lords being carefull to obviate and prevent the forder growth and
incomming of this base copper coyne and that the same be fullie
restrained and discharged, the saids Lords for this effect hes thought
meit and expedient, concluded and ordain'd that there sall be ane full
restraint of importation of ane suche copper coyne by sea or land
within this kingdome at any time heerafter and that the course thairof
sall be altogidder discharged. And thairfor the saids Lords ordains
letters to be direct to heralds, maistars, pursuants and officers of
armes, charging thame to pas to the mercat croses of the heid burrowes
of this kingdome and others places neidfull and there be opin pro-
clamation to command, charge and inhibite all and sindrie persons of
quhatsoever ranke and qualitie, als weill natives as strangers, that
nane of thame presoome nor take upon hand at anie time after
the publication heirof to bring in within this kingdome be sea or
land or to vent and putt out anie of this false copper coyne, the
farthing tokens formerlie discharged, as said is, or anie other forранe
base copper coyne of quhatsoever kynde or species the same be of,
to have course and passage within the same, under the pane of con-
fiscation of the said base copper coyne to his Majestie's use, besides
the punishment of the contraveenners in thair persons and goods at
the arbitrement of his Majestie's Counsell; and siclyke to command,
charge and inhibite all and sindrie his Majestie's lieges and subjects
that nane of thame presoome nor take upon hand to receave in
wisselling, exchange, buying or selling, or to vent and putt out anie
of this false copper coyne, farthing tokens or anie other forранe base
copper coyne under quhatsoever cullour or pretence, under the pane of
confiscatioun of the same to his Majestie's use, besides the incurring
of his Majestie high displeasure and punishment of thame in thair
persons at the arbitrement of his Majestie's Counsell, after consideratioun
had be thame of the nature and qualitie of thair offence. And for the
better executioun heirof the saids Lords hes givin and grantit and be the
tenour heirof gives and grants full power and commissioun to all and
sindrie his Majestie judges, officers and magistrates, and all ministers of
his Majestie lawes to burgh and land, ilke ane of thame within the
bounds of thair offices and jurisdictions, to make diligent inquyrie and
searche where and by whome this false copper coyne hes beene or
sall be importet and outted among his Majestie's subjects and
to apprehend the persons guiltie and to committ thame to
waerd or otherways to exhibite thame before his Majestie Counsell; with power alsua to thame to meddle and intromett with the said false counterfoote copper coyne and to exhibite the same to his Majestie Counsell; commanding also all the saids magistrats to burgh and land to concurre, forte and assist all and everie suche person or persons unto whome the saids Lords of Privie Counsell hes givin warrand and commission for searching and apprehending of all delinquents in this kynde, and that everie one of the saids judges, officers and magistrats within thair severall bounds, limits and jurisdictions, have a speciall care to see this present act and ordinance observed and kept, as they and everie one of thame will ansuer to his Majestie and his Counsell upon the dewtfull discharge of thair offices. And beside and attour the pane and punishment foresaid appointed and sett dowen aganis the imbringers, venters and outputters of this false and counterfoote copper coyne, the saids Lords declares that the forgers and counterfooters of the same sall be punished be death conforme to the lawes alreadie made anent false coyne. And to the intent that this false coyne may be the better discerned and knowne and that all pretext of excuse be tane away from suche as sall receive vent, and out thame, the saids Lords hes ordained and ordains some fewe number of thame to be sent to the burrowes as a paterne quherby they may be knowne."

"Forsamekkle as it is understand to the Lords of Privie Counsell that there is a number of the disordered and brokin lymmars of the Hielands that of late hes brokin louse and in troupes and companes hes come dowen to the incointrie and to others parts and bounds nixt adjacent to the Hielands where they have committed cruell and barbarous murders and slaughters and manie stouthreaffes, heirships, oppressions and depredations upon his Majestie peaceable and good subject dwelling in the incointrie, and they ar the farther encouraged to continew in their lawlesse and insolent doings be reason that the landlords in whose bounds thir insolenceis ar committed pretends excuse anent the not following and persewing of thame throw default of special commissions not grantit and givin to thame for that effect; and whereas now manie of the landlords ar putt under caution for making of thair men, tennents and servants and suche others as by the law they must be comptable for, obedient to law and justice, and it being verie necessar for the peace of the countrie and the better suppressing of thir brokin lymmars that the saids landlords be armed with power and commission to follow and persewe thame with fire and sword; for quhilik purpose the Lords of Secreit Counsell hes givin and grantit and be the tennour heirof gives and grants full power and commissioun to the saids landlords and to thair bailleis, for whome they saill be answerable, to convocat his Majestie lieges in armes and to pas, searche, seeke, hunt, follow and persewe with how and cry all and sindrie theeves, sorners and maisterlesse persons, committers of murther, slaughter, fire-raising, reaffe, theft and oppression
within their bounds, and all ydle and maisterlesse men wanting lawfull and sufficient testimonials of their birth, residence and trade of life wheresoever and in quhatsoeuer parts they may be apprehended, and to take and apprehend thame and to present and exhibite thame to the shireffs of the shire and others judges ordinar nixt adjacent to underly thair tryell. And for the better execution of this commissioun, with power to the saids commissioners and the persons that sall accompanie thame therein to beir, weir and use hacquebuts and pistoles in the execution of the same commissioun allanderlie and no other wayes, and with speciall provision that they doe not weir nor use thame againis none of his Majesteis lawfull and good subjects. And if thir brokin lymmars and vagabounds for esbewing of apprehensioun sall flee to strentshs and houses, with power to follow and persew thame, assiege the saids strentshs and houses, raise fire and use all kynde of force and warlike ingyne that can be had for wining thairof and apprehending the lymmars being therein; and if in persute of the saids lymmars or assieging the saids strentshs and houses there sall happen slaughter, mutilation or anie other inconvenient quhatsoeuer to fall out, the saids Lords declares that the same sall not be impute as crime nor offence to the saids commissioners or the persons assisting thame in executioun of this commissioun, exonerining and relieving thame of all pane, crime, skaitth or danger that they or anie of thame may incure therethrow for ever. And forder, the saids Lords declares that in quhatsoeuer bounds the saids commissioners or thair servants sall apprehend anie stollin goods that the maister of the ground and bounds sall ather caus restore the goods to the owners with the interest and damage, or otherwayes that they sall be halde in exhibite the stealers or the persons with whom the stollin goods sall be deprehended before his Majesteis Counsell or Justice to underly thair tryell and punisheament. And ordains letters to be direct to make publication heirof at all places neidfull and to command and charge all his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the executioun of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, as they and everie ane of thame will answere upon the contrary at thair perrell. And the saids Lords declares that they have grantit this commissioun with this speciall provision and expresse command to the saids commissioners that they once everie quarter of ane yeere certifie his Majesteis Counsell of thair proceedings, otherwayes this commissioun to be null.”

[Sederunt as recorded above.]

Complaint by Alexander, Earl of Galloway,¹ as follows:—Alexander Complaint by

¹ At the foot it is noted. 'This Act is wrong daited for it sould be . . . " [and the rest is cut away].
McKie, burgess of Wigtoun, in the presence of certain honest and famous persons, publicly uttered certain reproachful and disgraceful speeches against the said Earl, closely affecting his honour and credit and the dignity of that place to which his Majesty has been pleased to advance him as a Privy Councillor. The Earl, having cited him to answer thereupon before the Council, McKie, fearing the event of his trial, wrote a letter dated 19th December, 1633, acknowledging that the Earl had most justly complained of him and that he deserved to be severely punished, and therefore he placed himself in the Earl's will to abide by his own sentence against him under a penalty of 600 merks. Hereupon the Earl adjudged him to "enter in the stocke of the burgh of Wigtoune upon the 4 day of August and to ly their with sackcloth on him at the mercat croce frome nyne of the clocke in the morning till twelve; and upon Sunday nixt following he could come to the kirk doore of the burgh of Wigtoune and in sackclothe stay at the doore, frome the ringing of the first bell till the thrid bell and after sermon that he could come before the pulpit and acknowledge his 'forsaid fault in audience of the congregation; and upon the Sabbath thairafter that he sould pas to the parish kirk of Monyguff and doe the lyke." The said Earl charged him by a notary to obey this decree, but he plainly refused to do so, saying that he would rather pay the 600 merks. The pursuer compearing personally and the defender by Mr. John Gilmour, his procurator, this 17th of February, the said Mr. John declared that he had seen neither the summons, submission, decreet arbitral nor any other writs concerning this process, and he therefore desired that he might have inspection of these and a suitable day be appointed for answering. The Lords accordingly ordained these documents to be given to him and fixed 19th February for hearing. Upon which day parties again compearing as above, Mr John Gilmour objected that the sentence given by the said Earl was of the nature ecclesiastical, only proper to the Kirk, and could not therefore be imposed by him; and he therefore desired that the matter should be remitted either to the High Commission or some other Kirk judicator. Which answer being taken by the Lords as a declination of their jurisdiction, they repel the same and find themselves judges competent to this pursuit, and they ordain the defender to fulfil the sentence of the Earl in all the points thereof before 1st August next, failing which they decern him to have incurred the penalty of 600 merks—but supersede the giving-out of letters for the recovery thereof till 1st August that they may know what obedience the defender has given in the meantime.

Complaint by John Henderson, bailie of Rutherfurde, as follows:— William Mader, baker in Jedburgh, having conceived a deadly hatred against him, resolved to have his life, and on November last lay in wait for him in the town of Jedburgh where the complainer was upon his lawful business. "About the evening, finding the honest man in ane

Complaint by John Henderson, bailie of Rutherfurde, as follows:—
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strait passage neir the tolbuith of Jedburgh and finding ane fitt occasion to putt in execution his bloodie resolution, he came behind the baillies backe and or ever he wes awar with ane great durke gave him ane cruelly wound thretene inche deepe, quhilk peirched through his clothes and entered in beneth his left shoulder and come furthe above his left pape to the great effusion of his blood and perrell of his lyffe, quherthrow he hes ever since lyne under the cure of chirurgians in danger of his lyffe to his exceeding great expenses.” The pursuer compearing but not the defender, the Lords after hearing witnesses find the complaint clearly proven against the defender and ordain him to be charged to enter into ward within the tolbooth of Edinburgh within six days, wherein, if he fail, he is to be put to the horn and echeated.

“The Lords ordains missives to be direct to magistrates of burrowes desiring thame to concurre with Lieutenant Colonell Hepburne and his captans and officers for apprehending of suche of thair souldiers as having willingie enrolled thameeselues and takin pay sall disband and runne away, and upon tryell thairof to delver thame backe to thair captans; and if anie persons within the yeeres of thair pretship shall receive pay and thereafter be challenged be his master that the saids magistrates caus restitution to be made to the captans of the double what the prentes has receaved if he be able to repay the same and that the prentes be putt in the correction hous or otherways severelie punished for abusing both his maister and the captane and that no arreiment be layed upon anie souldiour that sall be putt in waid or thair captans if no diligence be done againis them of before.”

“A letter to the Secretare with a commissioun for the middle shires desiring his Majestie to signe the same without inserting that claus in the end thairof bearing the commission to indure ay and quhill it be discharged by a privie seale, in regarde that claus is contrarie to the commoun receaved order of the Chancellarie.”

Sederunt—St. Andrewes; Glasgow; Murrey; Wigtoun; Gal-Edinburgh, louay; Lauderdaill; Traquair; Bishop of Dumblane; Lord 19th February Alexander; Naper; Clerk Register; Advocate; Justice Clerk. 1635.

“The Lords of Secret Counsell ordains all licenses for eating of flesh whiche sall pas in Counsell and pay composition to be registrat for a charge to the Thesaurar and Deputie Thesaurar.”

“The whilk day, in presence of the Lords of Secret Counsell, com- peired personallie Archibald Steuart, servitour to the Earl of Antrim, and Mr Francis Hay, writer to our soveraine lords signet, and John Nicoll, younger, son to Johne Nicoll, writer to our soveraine lords signet, for obedience of the charge execute againis thame for that effect; Writer to the Signet, anent the lands of Cantyre.
were givin to the said Archibald Stuart as attourney and in name
and to the behove of Randolph McDonnell, Vicount of Dunluce, of the
lands, lordship and baronie of Kintyre at the towre and fortalice of
Donnawaitis upon the 16 of Januar last, he depouned and declared that
he had givin out no extracts of the said minute but one to the said
Archibald Stuart; quhilk minute the said Archibald, being commanded
be the saids Lords to exhibite, he in humble obedience of their com-
mand and directiou exhibite the said minute, and being demanded
if he had gottin anie moe extracts of the said minute nor that quhilk he
had now produced he depouned and declared that he had gottin no
other extract of the said minute bot the minute produced. Quhilk
minute the saids Lords, in regarde of his Majestis command and direc-
tion, ordains to ly in processe and not to be givin up to the parteiis; and
the saids Lords declare that the production of the said minute made
be the said Archibald Stewart at the command of the saids Lords sall
be a sufficient exoneratio to the said Archibald at his maisters hands
and at the hands of all others having interesse. And the saids
Lords discharges the said Johne Nicoll of all giving out of anie moe
extracts of the said minute, and discharges the said M' Francis Hay of
all registrating of the said minute, quhilk they, being present; promeist
to obey. Lykees the saids Lords made intimation to the said Archibald
that it wes his Majestis pleasure that no innovation sould be made in
the possession of the lands of Kintyre bot that the same sould remaine
in the estait wherein it wes before the bargane made be the Vicount
of Dunluc with the Lord Kintyre till his Majestis forder pleasure wer
knowne, and the saids Lords desired the said Archibald to acquaint
the said Earle of Antrim his maister with this mater, quhilk he being
personallie present promeist to doe."

[Sederunt as recorded above.]

Anent the complaint by William Robertson, Burgess of Perthe, against
Andrew Weimes in Aberneath, John Williamsone, William Anderson,
Andrew Hoy, and Andrew Fairne there for the assault upon the said
William Robertson on 13th May, 1633, by the said Andrew Weimes
in the kirkyard of Aberneath when he was attending the burial of his
wife's father's brother, and the assault by the other persons named
upon him on 24th July, 1633, as he was passing through Aberneath
to the market at Couper of Fyffe (see ante, p. 403), the said William
Robertson, Andrew Weimes and some of the others compearing per-
sonally and having been heard, the Lords remit the trial of the com-
plaint to the bailif of the regality of Aberneath, within whose bounds
the affair occurred, and ordain him to administer justice therein."

Complaint by
Duncan Crawford of
Jean Crawfurde, her daughter, and the said Duncan for his interest, as
follows:—On September last William Cuninghame of Drongane, Niven Craig, elder and younger, in Lean, William Craig, John and Peter Ranken, Patrick Murdo and McCrocher in armed with swords, staves and other weapons, came under cloud of night to "ane holme of land perteaning to the said Duncan and shoore and away toke ane great quantitie of cornes growing thereon, and when the complaner's wyffe, daughter, and servaunt came to hinder thame, they pat hands in their personis, gave thame manie bauch and blae straikes in diverse parts of their bodie, threw thame to the ground, kist the said Jean Fairlie in ane running water and so abused her that therein she parted with bairne to the hazard of her lyffe." Charge having been given to the said Niven Craig, elder, and William Cuninghame, they and the pursuer compairred, and proof of the truth of the complaint being referred to the defenders' oath of verity, and they, on being sworn, denying the same, the Lords assiszie the defenders.

Sederunt—St. Andrews; Glasgow; Murrey; Wigton; Gallouay; Edinburgh, Landerdaill; Tracquir; Bishop of Dumblane; Lord Alexander Naper; Clerk Register; Advocate; Justice Clerk.

"The whilk day, in presence of the Lords of Secreet Counsell, compiered personallie Sir John Grant of Freuchie and become actit and obleist as cautioner and souertie for Patrik Grant, younger of Glenmorestoun, that he sall remaine within the towne of Edinburgh and not remove nor depart furth thairof till he be releaved be the saide Lords, under the pane of three thousand merkes. And in respect of the absence and not compairance of John Grant, elder of Glenmorestoun, this day, quhilck was undertane for his said compairance, ordains letters to be direct to dencume him rebell, and continewes the outgiving of the letters till the tent of Marche nixt."

"The Lords of Secreet Counsell continewes the Marques of Huntly his Marquis of entring in waerd within the castell of Edinburgh till Fryday nixt."

Act of caution by John Caddell of Migvie and John Sibbald, burgess of Aberdeen, for Alexander Staunchane of Glenkindie, that he will observe the Acts of Parliament for the maintenance of peace by the chieftains of clans and others, as ante, p. 477; with clause of relief. (Signed) Alex. Stracq of Glenkindie; Jo. Caddell of Ester Migye; Jo. Sibbald.

"The Lords of Secreet Counsell ordains and commands Sir John Scott of Scottistarvet, Director of our Soverane Lords Chancellerie, to caus write and expede the conjunct commission for the Middle shires in the same words and termes [sic] as it is conceaved and drawin up and signed be the Kings Majestie, notwithstanding that the said commission beiris not in 1636. Charge to Sir John Scott of Scotsttarvet to prepare the expresse termes ane warrand to the said Sir John to pas and expede the same without anie forder precept to be direct thereupon, and notwithstanding of the claus insert in the said commissioun that the same conjunct com-
mission for the Middle Shires.

meaning and intent therein specified until his Majestie shall declare his will and pleasure under his privie seale or great seale of Scotland in the contrary, anent the writting and expeding of quhilk comission in maner foresaid this present act shall be unto the said Sir Johne a sufficient warrand.

"Followes the tenour of the commissioun abonementionuoued.

"Charles be the grace of God King of Great Britain, France and Ireland, Defender of the Faith, To our right trustie cousines, Williame, Marques of Dowglas, and Robert, Erle of Nithsdaill, and to our right trust cousines and counsellers, Robert, Erle of Roxburgh, Johne, Erle of Annerdaill, and William, Erle of Dumfreis, and to our right trust cousin, Williame, Erle of Quenisberrie, and to our right trust cousin and counsellor, Johne, Erle of Tracquair, and to our right trust cousines, Robert, Lord Kirkcudbright, and James, Lord Johnestoun, and to our trustie and weilbelovit counsellor, Sir James Carmichell, knight and baronnet, our Justice Clerk, and to our trustie and weilbelovits Sir William Scot of Harden, during the minoritie of our right trust cousin, Francois, Earle of Bucleuche, Sir Johne Charters of Amisfeild, knight, Sir Robert Greir of Lag, knight, Sir William Dowglas of Cavers, knight, shireff of Tiviotdaill, and Sir Johne Maxwell of Conhaith, knight, and to our right trust cousin and counsellor, Earle of Arrundell and Surrey, and to our right trust cousin, Algernoull, Earle of Northumberland, and to our right trust cousines and counsellers, Francis, Earle of Cumberland, Theophilus, Earle of Suffolk, and to our trust cousines, Williame, Lord Hawart, Henrie, Lord Montververt, Henrie, Lord Clifford, and to our trustie and weilbelovits Sir Francis Hawart, Sir Johne Fenwick, knight and baronnet, Sir Richard Grahame, knight and baronnet, Sir George Daltoun, knight, Sir William Carnewie, knight, Sir William Withrington, knight, Sir Johne Leuther, knight, one of our counsell of Yorke and to our weilbelovit Roger Widderton, Esquire, greeting.

Whereas upon the humble complaint and intimation of our honest and loyall subjects within our shirefdomes of Berwick, Roxburgh, Selkirk, Peebles and Dumfreis and our Stewartreis of Kirkcudbright and Annandall and our counteis of Northumberland, Cumberland and Westmerland and of our subjects of the touns, villages and parishes of Norhame, callit the Holie Yland and Bedlingtoun, parcell of our County Palatine of Dureme and of our toum of Berwick upon Twede, als weill within our realme of Scotland as of England being, that diverse malefactors within our counteis, shirefdomes, stewartreis, yland, villages, parishes and touns foresaidis combyning themeselfes togidder and making unlawfull assembleis and conventions togidder, als weill in places publict as privat, doe daylie goe armed and leade about als weill by day
as by night ane armed power to attempt and committ diverse wicked
and lewde attempts, contrarie to the peace of both our kingdomes and
contrarie to the lawes and customes in both thame had and respectivelie
used, by ill using, assualting, wounding, mayming and wickedlie killing
diverse of our subjects and others, robbing and spoiling of thair goods,
and some taking and imprisoming and in prison keeping in extreme
hunger and cold even unto death, untill they sall make great and greevous
fynes for the redemption of thair persons, and also committing mucres,
manslaughters, burglareis, ravishementis, robreis, felloneis, waistes, beside
burning of houssis and barnes full of corne, and others greevous, notorious
and intolerable offences and outrages from day to day committing, and
also minassing and threatening with panes of life and death all suche as
sall in our courts of justice prosecute anie of the offenders for the
offences foresaid, to the great contempt of us, the breake of our peace
and the terror of our subjects of both our realmes. And albeit in a
Parliament of our darrest father, late King of Scotland and England of
famous memorie, baldin in our kingdome of England at Westminster in
the countie of Midlesex, the eighteen day of November in the fourth
yeere of his happie raigne, by prerogatioun than baldin, certane provisions
and ordinances wer than made to inquiere of diverse misdemeanors
within the kingdome of England committed and the samine to heare and
determine before the Justices of Assize or commissioners of oyer and
derminer [sic] or jayle deliverie, assignes done and committed by our
natural subjects in our kingdome of England borne and no other; now,
becaus it oftin happeneth that the saids offenders and delinquents, com-
mitting the saids outrages and enormose offences in Scotland or England,
doe privilie convoy thameselfes from one kingdome to another and that
there is not one deputed nor appointed who will follow thame frome
the one kingdome to the other and so arrest and take thame, and
because, if perhaps they sould be tane and arrested in our saids king-
domes and so be sent and remanded into the other where the saids offences
wer committed, there might happen ane great space of time betuix his
remanding and his coming to examinationoun and judgement, so that in the
meane tyme they have opportunitie to escape and so become as outlawes
to wander and lurke in places unknowne and uncertane and so gett
recept and harbour amongs their favorites, freinds or parents, and
oftentimes by confederacie and conspiracie of suche offenders by meanes
of thair freinds and fators, and the jurors of the countrie, the truethe
certanlie cannot be found out, nor dew punishment as wer fitt be
executed upon thame, so that the hopes of impunitie begettis in thame a
boldness of offending:—Know yee that we, being carefull to provide for
the good estait, securitie, peace and quyetness of our good and loyall
subjects of our kingdomes of Scotland and England, as also to represse
suche offenders, and being unwilling to pase by suche offences by anie
connivence quhatsoeuer without thair dew punishment, putting singular

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trust in your special care and circumspection for the punishment and prevention of any of the offences foresaid hereafter to be committed, have assigned you and everie one of you two or more of you to pursu, follow, take and arrest all and everie such person the offences aforesaid in our countie, shirefdomes, stewartes, yland, town, hamlets and parishes aforesaid or anie of thame committing, or fleeing for anie such offence from town to town, place to place, or from one kingdom to another, untill they shall be taken and arrested; and that all our shireffs, majors, bailliffes, justices of peace, provets and others our ministers and the rest of our loyal subjects in Scotland and England be with their whole power to yow therin aiding and assisting as oft as they shall be by you, one or more of you, upon that occasion and behalf thereunto callit and warned, provided alwayes that the offenders foresaid so taken and arrested be brought to the jayle of that place or countie where the offence aforesaid was committed and their being deliveried in saife custodie to be keept untill, according to the lawes and customes ther used, they be deliveried. And because it often happeneth that for the haynousnes and outrageousnes of the crimes and trespasses by thame committed and for other causis and circumstances it is necessary that the present remedie of justice sould be executed upon the saids offenders, which cannot be if yee sould stay and wait for the coming of the ordinar justices in the said place, we have assigned yow or anie three or more of yow, of whiche number one is to be in Scotland and the other of England borne, from tyme to tyme and also oftin as yow shall hold it neidfull, and at suche dayes, times and places as yow shall appoint, to inquire by the oath of good and lawfull men of our saids countie, shirefdomes, stewartreis, island, towns, villages, or parishes aforesaid, in which such offence shall have been committed, by whomsoever committed, of all unlawfull assemblis, wounding, mayming or killing of our subjects, depredations, imprisonnements, murders, manslaughters, burglareis, ravishments, felloneis, robreis, fyning of houssis, and others oppressions and devices and injures aforesaid, by whomsoever committed in our saids counteis, shirefdomes, stewartreis, island, towns, villages, and parishes aforesaid, or anie of thame, by those whom yow have so imprissonned, by yourselfes or by your command or anie other of thair confederates and to heare and determine according to the truthe of the fact of all and singular the aforesaid premises according to the lawes and customes of the place where the saids offences shall happen to be committed for which they are to receave their tryell, saving to us our amerciaments, fynes, forefaltours and others dewteis thereby unto us perteaining. We command also all shireffs, stewartes, bailliffes, and ministers of our counteis, stewartreis, towns, villages, and parishes aforesaid whome it may heirin concernne that at suche dayes and places and
als oftn as yow or anie three or more of yow as is aforesaid sall thinke 
fitt and theirof give notice by your warrand in writting, they caue to 
come before yow or anie three or more of yow suche and so manie good 
and lawfull men of their bailiffe weeke as welle within their liberties 
as without by whome and whois oath you may inquire of the offences 
foresaid. And forder, our will and pleasure is that these our letters 
of commiission sall be in dew maner made and sealed als welle under 
our great seale of Scotland as under our great seale of England, and 
without anie other or forder warrand frome us to be had and obtained 
in that behalfe, for quhilk purpose we have also caused a duplicat heirof 
to be made to pas under our great seale of England. And forder we 
will, and our pleasure and commandement is, that this our commiission 
and all powers and authoritieis thereby givin and grantit sall remaine and 
continew in full power and force according to our meaning and intent 
therein specified untill we sall declare our will and pleasure under our 
privy seale or great seale of Scotland to the contrarie, the statute baldin 
at Westminster in the fourth yeere of the raigne of our darrest father 
in England intituled Ane Act for abolishing of all memorie of hostilitie 
and the dependences theirof betuix Scotland and England for repressing 
the occasions of discords and disorder in time to come, or anie other law, 
statute, caus or mater quhatsomever to the contrarie notwithstanding. 
In witness whereof we have caused our great seale to be appended to 
this presents. Givin at Whitehall the auxchteine day of Januar, j“vjc 
threttie fyve yeeres, and of our raigne of Scotland, England, France, and 
Ireland the tent yeare, 1635.

“Per signaturam manu suprimei domini nostri Regis suprascriptam. 
Per actum Dominorum Secreti Consilii.”

Sedrun as recorded above, adding “Mairshell, Wintoun, Southesk, 
Bining, Bishop of Edinburgh, and Lord Melvill.”

“The Lords remittis to the provest and bailleis of Edinburgh and other 
burrowes to take tryell of all arrrestments layed upon souldiers presentlie 
in waird and if they have beene lawfullie tane on, and for their more 
saife keeping committed be the captans, and no diligence nor arrrestment 
used aganis thame of before, in that caise the Lords ordains the provest 
and bailleis to delyer the souldiour who hes beene arreisted at the 
instance of his aleeedged creditours after his committing to be made furth-
cummand and disposed of be his captane conforme to the first compromit 
and agreement.”

Sedrun—St. Andrewes; Mairshell; Murrey; Wintoun; Wigton; Ediburgh, 
Gallouy; Launderdaill; Southesk; Tracquair; Lord Alexander; 
Bishop of Edinburgh; Bishop of Dumblane; Lord Melvill; Lord 
Naper; Clerk of Register; Advocate.
Commission to confer with the Marquis of Huntly, who has appeared before the Council anent the disorders in the North.

"The whilk day, in presence of the Lords of Secret Counsell, compired personallie George, Marques of Huntlie, and declared that with great infimitie and danger of his life he had made his addresse to this burgh in this unseasonable time of the yeare to give his appearance before the saids Lords and to answer anent the disorders in the north and that for obedience of the charges execute againis him for that effect, and he humbelie craved of the saids Lords that they would be pleased to delegat some of their number to confer with him anent that businesse to whome he hoped to give all satisfaction that is prestable be him. For qhilk purpose the Lords nominares and appointes the Erles of Laudersdaill and Traquair, the Bishop of Edinburgh, the Clerk Register and Advocat, or anie three of thame, to meit with the Marques the morne and at suche other times as they sall think fitt and to confer and reason with him anent the saids disorders, authors and abettors of the same, and to represent unto him the apparent presumptions of his accessioun and guiltines in the saids disorders and how farre he may be burdenned in law with the redresse thairof, and to report his anser and their opinion concerning the same to the saids Lords upon Tuesdai nixt, till whiche time the Lords continewes all executioun againis the Marques."

[Sederunt as recorded above, omitting Galloway, the Bishop of Edin- burgh and Lord Melvill; and adding the Bishop of Glasgow, Mar, Erroll, Dumfreis, Lord Binning, Bishop of Murray, Bishop of Ros, and the Justice Clerk.]

Edinburgh, 28th February 1635.

Complaint by James Barclay, merchant burgess of Glasgow, who craves continuance of his protection.

Their Lordships lately granted him their protection for citing his creditors to the 4th of November last to hear his protection extended; but, the time being too short, the citation (in which he used all possible diligence) was not found lawful. Charge having been given to John Cousigne, Mark Middibanks and Thomas Clibburne, merchants in Newcastle, James and Harry Croft, William and John Vaitzie, John Hoberoft, Thomas Balden, William Tailzeour, Francis Mussill, Robert Brassie, Daniel Walden, Edward Claytoun, John Alfoord, Francis Hutcheoun and Robert Huiks, citizens of London, John Dason in Leids, Roger Ogden in Ratisdail, John Cowper and Robert Greir in Chester, all creditors of the said James, but none of them compearing, the Lords grant their protection to the complainer till 1st August next.

Complaint by Sir Thomas Hope of Craighall, his Majesty's Advocate, and Sir Robert Innes of Balvenie, knight baronet, as follows:—Their Lordships have published several acts and proclamations forbidding the reset of the traitor, James Grant, and promising large rewards to any who would exhibit him, alive or dead; yet Thomas Grant, now titor of Carron, and Robert Grant, his brother, have ever since the escape of the said James from the Castle of Edinburgh harboured him in their houses,
kept company with him in divers parts of the country, and employed him for executing their private revenge against his Majesty’s good subjects. For example, on 8th September last the said Thomas and Robert Grant, accompanied by the traitor James, James Grant of Inveroure, Arthur Roy, his man, James McGrimon in , and James McGuriach there, all rebels, came to the Laird of Balvenie’s lands of Strathavin and threatened the tenants with all possible violence. Charge having been given to the said Thomas and Robert Grant, and the pursuers compearing but not the defenders, the Lords ordain the latter to be put to the horn and escheated.

Complaint by Sir Thomas Hope of CRAIGHALL, King’s Advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty’s commissioners for the sale of tobacco in small quantities (as ante, p. 462), narrating the promulgation of a new Act dated 4th November last and another of 27th November ordaining that all masters of families should be answerable for their children and servants in this matter, “and that all recompense taken for tobacco shall be reputed and punished as vendition” ; and that nevertheless Patrick Weimie in Wester Weimie, Andrew Bruce, George Smart, John Gemlo, Charles Goldman, Patrick Lindsay, John Swan, James Annand, James Stanners, and Henry Guthrie, all merchants, burgesses of Dundie, Andrew Nicoll, Thomas Fleeming, James Petrie, David Wandles, Gilbert Nicoll, Thomas Bower, Walter Smith, Alexander McKene, Henry Broun, Robert Constable, younger, James Broune, Gilbert Auchinleck, Henry Davidsone, William Hill, Robert Gray, and Katherine Downey, all burgesses of Dundie, James Ronald, William Jamie, Andrew Jamie, Andrew Dairsie, Walter Jamesone, Walter Guthrie, John Traill, John Rainie, Alexander Strachane, James Murray, David Baxter, George Milne and John Harper, burgesses of Montrose, and Thomas Scot, Christian Cargill, James Watsone, John Winrhamie, John Gairdiner, John Scot and James Mitchel, indwellers in Brechin, have all violated the said Acts and should be deemed to have incurred the penalty thereof. Charge having been given to the said persons to compear and give their oath of verity upon the said complaint, and Sir Thomas Hope compearing with Mr William Wallace, as procurator for the other pursuers, but none of the defenders being present, the Lords ordain the latter each to have incurred the penalty of 100 merks, and letters to be issued for its recovery, one half of the said penalty to go to the informer and the other half to the commissioners foresaid.

“The Lords prorogats James Spence his protection till Tuisday next at night.”

James Spence’s protection extended.

Edinburgh, 3rd March 1635.
The Lords of Secret Counsell continewes the Marques of Huntlie his Acta, June 1634-April 1636. entering of his person in waird within the Castell of Edinburgh till the eightene of this instant, he always remaining and keeping free waird within the town of Edinburgh or the Cannogait."

"The Lords of Secret Counsell, upon the humble request and desire of James Crichtoun of Fendraught, ordains Sir Thomas Hope of Craig- hall, his Majesteis Advocat, to concurre with the said James Crichtoun and to prosecute the informations givin or to be givin unto him not onelie concerning the peace of the countrie bot lykeways to assist, concurre and persew for and with him for redresse to be made to him of the particular wrongs, heirships, depredations and others insolencies committed aganis the said James and his tennents be quhatsomever persons thair complices, partakers, hounders out and ressetters and all others upon whome the saids crimes may be layed, and those who be the lawes of the kingdome acht to be answerable for the committers of the same crimes; qhilk the said Lord Advocat, being personallie present, promiseit to doe."

[Sederunt as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King’s Advocate, and Sir William Douglas of Cavars, Sheriff of Roxburgh, John Turnbull of Minto and Robert Scot of Quhysleden, as parties grieved, as follows:— In violation of the laws prohibiting the carrying of hagbutts and pistols during the past three years, Walter Veitch in Gedderscot and others, for carrying prohibited weapons and shooting the complainers’ doves.

Complaint by John Alison, burgess of Jedburgh, against Ragwell Bennet of Chester for illegally wairding the complainers’ goods in the Tolbooth of Edinburgh.

Complaint by John Alesoun, burgess of Jedburgh, as follows:— Ragwell Bennet of Chester comprised some of the complainers’ lands for debts far below the value of the lands, and obtained himself infet therein, but not content therewith he raised horning and caption against the complainer, and having on 24th December last under trust drawn “the honest man” to Edinburgh, pretending that it was to come to terms with him, as soon as they met, he “verie unhonestlie caused commitit the honest man to warde within the tolbooth of Edinburgh, where he yitt remaines.” The pursuer compraying by his wife and the defender being personally present, the Lords, after hearing parties, ordain the pursuer to
be put to liberty upon finding caution in the Books of Secret Council
that he will re-enter to his said ward before the 24th instant under the
pain of the payment of the sums due to Ragwell Bennet.

Sedent—St. Andrewes; Erroll; Mar; Murrey; Wintoun; Gal-
louay; Southesk; Traquair; Bishop of Edinburgh; Bishop of 1680.
Dumblane; Clerk Register; Advocate.

"Forsamekle as the Lords of Secret Counsell ar informed that the
rebell, James Grant, Robert Grant, his brother, and George Grant, his
bastard son, and others their associates does still continew their thifts,
depredations, fire raisings and others barbarous oppressions, to the dis-
honour of God, contempt of his Majesties auctoritie and lawes and
disturbance of the north parts of this realme; and the saids Lords
calling to minde the acts of Parliament by the quhilks it is statute that
the cheiffs and chiftans of clans sall be haldin to present and exhibite
suche of their clan that they sall be charged for to his Majestie or
to the Lords of Privie Counsell or to his Majesties Justice and his deputs
to underly the lawes at the time and place to be appointed; and they,
being weill advised with the said acts and with the objections and
reasons propounded be Sir John Grant of Freuchie and his advocate
whairfoir he aucht not to be burdenned with the entrie and exhibition
of the said James Grant, his said brother and sone, on the ane part, and
the reasons of John Grant, fear of Ballindallach, compleanner, and Sir
Thomas Hop of Craighall, knight baronnet, concurrard for his Majesties
interesse, on the other part; the Lords of Secret Counsell, notwithstanding
of all the objections and reasons propounded be the said Sir
John Grant and his advocate in the contrare, finds and declares that the
said Sir John Grant aucht and sould be answerable for his haille kin
and clan of the surname of Grant conforme to the lawes and practick of
this kindome, and thatairfoir decernis and ordains the said Sir John
Grant, as cheiff and chiftan of the surname of Grant, to bring and
exhibite the said James Grant, Robert Grant, his brother, and George
Grant, his bastard sone, before the saids Lords or before his Majesties
Justice upon the second day of Junij nixt. Lykeas the said Sir John
Grant, being personallie present and this decreit and sentence intimat to
him, he humbliie desired to be authorized with ane commission frome
the saids Lords againis the saids rebellis for the better enabling of him
to the execution of the saids Lords decreit, quhilk the saids Lords
thought reasonable, and ordained the said commission to be extendit in
dew and ample forme."

"The Lords of Secret Counsell ordains and commands all the Coun-
sellers that ar landlords to find caution for observing the acts of
Parliament made againis brokin men upon the 24 of this instant."
“The Lords of Secret Counsell ordains and commands George Baird of Auchmedden, shireiff of Bamf, John Campbell, fear of Caddell, shireiff of Narne, who wer personallisie present, as lykewaye Thomas Crombie of Kemnay, shireiff of Aberdein, to take out their commissions from the clerk of Counsell againis the brokin men of the name of Gordon and to make their addressee home with all possible diligence and to goe in on the reall execution of the said commissioun, as they will answer upon the dewtie of their offices.”

“The Lords of Secret Counsell nominats and appoints Johne, Earle of Tracquair, to be convenner of the committee appointed to confer with the Marques of Huntlie and to conveene thame at such time and place as he sall thinke meet.”

“The Lords of Secret Counsell ordains and commands the provest and bailleis of Edinburgh to putt James Gordon of Letterfoure, Johne Gordoun of Innermerkie, Johne Gordoun of Park, William Gordoun of Tulloch and James Gordoun of Terrisoull to libertie and fredome furth of their tolbuith, they finding cautioin and souerie actit in the bookes of Privie Counsell to compeir upon Tusday nixt, the tent, that they sall remaime and keepe waird within the burg of Edinburgh and the Canno-gait till they be dismist, under the panes following, viz., the saide James Gordoun of Letterfoure, Johne Gordon of Innermerkie, Johne Gordoun of Park, and William Gordoun of Tulloch, everie ane of thame under the panes of fyve thousand merkes, and the said James Gordon of Terrisoull under the pane of jth lib.”

[Scerent as recorded above.]

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir James Leslie and Thomas Dalma hoy, his Majesty's commissioners for the sale of tobacco (as ante, p. 501), against David Quhytlaw, Robert Baillie, John Wilsone, John Duncansoun, John Rodger, James Pollock, Finla Bowie, Ninian Kincaid, James Gowen, Patrick Buchannan, John Mairsh and Andrew Dinning, burgesses of Glasgow, for violation of the Acts concerning the sale of tobacco. Sir Thomas Hope comparing personally and the other two pursuers by their procurator, Mr William Wallace, there attended of the defenders, David Quhytlaw, John Duncansone, John Rodger, Finla Bowie, Ninian Kincaid, James Gowen, Patrick Buchannan and Andrew Dinning, all of whom being put upon oath respecting the verity of the complaint confessed (with the exception of Andrew Dinning, who denied the accusation and was assoilized) that they had sold in small some quantity of tobacco which they had prior to the proclamation, and were accordingly decreed to have incurred the penalty of 100 merkas. The Lords also find that the non-compearing defenders have incurred the penalty foresaid and ordain letters to be issued for recovery of the same.
This day there compiered before the Lords John Innes of Leuchars, George, James and Patrick Innes, his brothers, and Alexander Watsounie, servitor to the said John Innes, and gave in a copy of summons against them by Sir Robert Innes of Balvenie, Mr Gavin Dumbair, chanter of Murray, and Walter Kinnaird of Coubin, curators chosen by Alexander Innes of Coxtounie, and Sir Thomas Hope of Craighall, his Majesty's Advocate, charging them with carrying hagbuts and pistols and with convocation of the lieges, coming to the house of Coxtoun, breaking up the doors thereof and keeping the same as a house of war fortified with men, powder, bullet and other warlike furniture, and also seizing upon the person of Alexander Innes of Coxtoun and keeping him as a captive, sequestrated from his friends; and protested that as they were now present ready to answer to the same, and no one appeared to prosecute, nothing further should be proceeded with in the case until they were cited of new and their expenses paid.

Complaint by James Jamesoun, white fisher in Meney, as follows:—Complaint by On 28th April last Andrew Broune in Newburgh, Elspet Webster, his wife, James Wood and Andrew Brydie there, lay in wait for the com- plainer beside the town of Newburgh and meeting him upon the highway, assailed him fiercely, "and with their faultie neisles gave him manie bauch straiks on the head, face and others parts of his bodie, dang him to the ground, tooke his stafle frome him and thairwith gave him a number of cruell straiks on divers parts of his bodie to the effusion of his blood, and pitifullie bised and bruised him, and tooke his purs and clothis frome [him], quhilk they yitt keeps." The pursuer compiering personally, but none of the defenders, the Lords ordain the latter to be put to the horn and escheated.

Supplication by James Stewart of Askamyle, as follows:—Malcolm Supplication McNaughtane and his brother with some others lately broke into the for protection supplicant's house and took thence 8000 merks, which he had for pay- ment of his creditors, and his enemies discovering this have stirred up his creditors to use the rigour of the law against him. He therefore craves their Lordships' protection, and this they grant to him until 1st July next.

Sederunt—St. Andrewes; Privy Seal; Erroll; Murrey; Wintoun; Edinburgh, 10th March Wigtoun; Gallouay; Lauderdaill; Southeak; Traquair; 1686.
Bining; Alexander; Bishop of Edinburgh; Bishop of Dum- blane; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk.

The whilk day, in presence of the Lords of Secret Counsell, compiered The Marquis of Huntly and the disorders personallie George, Marques of Huntlie, and the said Lords, having in the North. burdenned him with the exhibition of the brok men of the name of Gordoun upon the acts of Parliament 1587 and 1594, they upon the
said Marques his earnest desire assignes to him Thursday next to consult with his advocates and to give in his answer there amongst in writ; and the saies Lords ordains Sir Thomas Hope of Craighall, knight baronnet, his Majestie’s Advokat, to revise and consider the depositions there anent the disorders in the north and the acts of Parliament made aganis chiftans of clans and to be in readines upon Thursday next to propone his reasons for fastening the saids brokin men upon the saied Marques of Huntie and to answer to all that saill be alledged be the Marques in the contrare.”

“The whilk day, in presence of the Lords of Secret Counsell, com-peird personallie John Grant of Glenmorestoun for satisfacion of the act of cautionrie found he him for that effect, quhairupon James Gibsoon, advocat, as procurator for Sir John Grant of Frenchie, cautioner for Glenmorestoun, protested for the said Laird of Grant his releefe of his cautionrie, in respect quherof the saids Lords ordains the said John Grant of Glenmorestoun to remaine and keepe wyrd within the burgh of Edinburgh, the Cannogait and Leith, and not to depart till he be releewed be the Counsell, and to find caution to that effect under the paine of fyve thousand merkes, for quhilk purpose ordinis the first caution to stand in force till Thursday next that caution be renewed.”

[Sederunt as recorded above, omitting the Justice Clerk.]

Edinburgh, 10th March 1635.

Complaint by Sir Thomas Hope, King’s Advocate, and Mr. Walter Whytefurth, sub-dean of Glasgow, one of his Majesty’s chaplains, as follows:—In violation of the laws prohibiting the carrying of hagbots and pistoles James and George Cleland, sons of the deceased Sir James Cleland of Monkland, having conceived a hatred and malice towards the said Mr Walter and publicly and privately “professed and avowed with manie fearfull othes to have his lyffe,” came to the kirk of Monkland upon the 1st instant, being Sunday, armed with swords, pistols and hagbots, “and without respect, being the Lords Sabbeth, nor to the hous of God, they came within the kirk and sett themselvses, one at the one syde of the entrie of the quire and the other where they expected the said Mr Walter sulde have comed” that day to have preached, resolved if he had come to have put violent hands in his person.” Being disappointed in this, they went to the said Mr Walter’s house in time of divine service and threatened the servants and children, vowing that they would set the house on fire. After sermon they waited at the entry of the said house, and cruelly assailed Mr John Quhytfurde, the pursuer’s son, whom they would have killed if some gentlemen had not come to his rescue. On the following day, Fol. 207, a.

under the belief that the said Mr John had ridden to Glasgow, they followed with the intention of taking his life, but, missing him, they returned to the complainner’s house accompanied by David Shaw, James
and Thomas Moffate, servitors to Ludovick Cleland of Monkland, and others, armed as aforesaid, and searched through it all for the said Mr Walter or his said son, threatening his wife and "shoring to sett the hous in fyre and not to leve a sticke thairof standing, professing that if they had their turne done they caired not to be quartered in the morn, assumeing to thameselves the name of James Grant, and threatening to committ maie insolenceis than fell out be him." The pursuers compairing personally and also the said George Cleland, to whose oath of verity the pursuers referred the truth of the complaint, and he denying the same, the Lords assoilzie him; and they further direct officers of arms to go and put the said James Cleland to the horn and escheat his goods for his contempt.

"The Lords continewes the processe anent the plaiding and pearle till this day aucth dayes."

"The Lords ordains the Erle of Cassills to find lawborrows to the shireff of Galloway under the pane of ten thousand punds."

Sederunt—St. Andrewes; Privy Seal; Erroll; Mairshell; Winton; Gallouay; Lauderdaill; Dumfreis; Southesak; Traquair; Bining; Lord Alexander; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Master of Elphinston; Clerk Register; Advocate; Justice Clerk.

"Anent the supplication presented to the Lords of Secret Counsell by George, Marques of Huntlie, makand mention that where for testification of his most willing and humble obedience to his Majestie and the said Lords he has, notwithstanding of his great age and infirmitie of bodie, made his addresse heir in this unseasonable time of yeere, to the impairing of his health and endangering of his lyfe, to answer anent the late disorders committed in the north, quhairof, as he is most innocent and free frome the guilt and accessioun to suche publict misdemeanours and nefarious acts, so he will concurre with his best power, service and furtherance for repressing of the same; but becaus the saids Lords were pleased at the said Marques his last appearance before thame to urge him upon the acts of Parliament 1587 and 1594 with the exhibition of the brokin men of the name of Gordoun the said Marques will be sparing to make anie answer thereto as being loath to enter in dispute with his Majesteis Advocat or to declyne anie service for the peace of the countrie that is prestable be him or in his power to performe; humbelie desyryng thairfoir the saids Lords to forbear at this time anie proceeding againis the said Marques upon the acts of Parliament and to grant him a commission for persute of the saids brokin men, whiche he is content to accept and will promise upon his honoure and credite faithfullie and reallie to execute the same, and to imploy his freinds, ingadge his estait and use his best care, power and diligence for quyetting of the countrie.
and imbringing of the persons disturbers of the peace thatrof and that betuix and suche a reasonable day as the said Lords upon consideration of his present inabilitie sall appoint, at whiche time, if he report not reall and satisfactorie diligence, the saids Lords may than as now proceed to the censuring of him if he be found guiltie according to the nature and merite of his offence; lykeas at mair lenth is conteanit in the said supplicatioun. Qhilik being read, heard and considerit be the saids Lords and they advised therewith, the Lords of Secret Counsell, upon the said Marques of Huntlie his earnest desire, forbeares all proceeding aganis him at this time upon the acts of Parliament for exhibition of the brookin men of the name of Gordoun, and ordains an ample commission to be past and exped unto him and the persons to be nominat be him for whome he sall be answerable for thair apprehension and exhibition upon the xvij day of Junij nixt before his Majestieis Counsell or Justice, the said Marqueis first acting himselfe in the booke of Secret Counsell that the hail name of Gordoun within the shirendomes of Aberdein, Bamf, Elgine, Inernes, Name, Cromartie, and all the said Marques his vassals and tennents dwelling within his lands or within the lands and bounds perteaning to George, Lord Gordoun, his sone, and all others whome he may stop or latt and for whome he is answerable be the lawes of the kingdome and acts of parliament, sall live in peace and quietness free frome all publict insurrections and rebellions, and that the laird of Fendraucht, his ladie, barnes, vassalls, men, tennents and servants and others his Majestieis peaceable and good subjects sall be harmlesse and skaithlesse in thair persons, lands, goods and geir frome all incursions, heirships, fire raisings, publict and opin oppressions to be committed upon thame be the said Marques or anie of the name of Gordoun within the bounds foresaid to the disturbance of the peace of the countrie, and that the said Marques be himselfe, his bailleis and tennents sall caus stay and arreist all stollin goods that sall be lifted frome anie of his Majestieis good subjects and caried throw his bounds conforme to the acts of parliament made thereanent and under the pane of satisfaction of the hail skaith, domage and losse that the partieis interesteed sall susteane in maner foresaid fra the dait of the said act and in tyme comming; as alsua the said Marques acting himselfe to report to the clerk of the Counsell ane band of cautionrie for him of the tennour abonewrittin subscriyyed be a number of responsall barons and gentlemen as cautioners for him in the presence of famous witnesses, to be insert and registrat in the booke of Secret Counsell betuix and the day of nixt under all highest pane and censure that be the saids Lords may be inflicted upon him incaise of his failtie. And the saids Lords declares that this act and caution sall be without prejudice to the said Laird of Fendracht of anie former suretie or lawborrowes found unto him be the said Marques under pecuniall panes conforme to the tennor thairof."
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"The quhilk day the Lords of Secret Counsell declares that the Marques of Huntlie his acting himselfe and finding of caution for keeping the countrie in peace and quyntnes and securing of his Majestie's lieges frome the publict oppressiouns of the whole name of Gordoun and that his acceptation of ane commissioun for persue and exhibition of the rebellis and brokin men of the name of Gordon and others insert in the said commissioun, sall not import aganis the said Marques that he is answerable in law for the saids persons, bot the same sall be with expresse reservation and without prejudice to him of his lawful defences competent to him upon the acts of parliament for byganes as accordes of the law."

"The whilk day James Crichtoun of Fendraucht, compeirand personallie before the Lords of Secret Counsell, protested that the act and suretie to be found be the Marques of Huntlie for the said Laird of Fendraucht's indemnitie in time comming sall be without prejudice to the said Laird of his action competent to him upon the acts of parliament agains the said Marques for byganes as accordes of the law; quhilk protestation the saids Lords admitted."

[Sederunt as recorded above, omitting the Master of Elphinstoun.]

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Alexander Stewart in Blairbowie, partie grieved, as follows:—Though the carrying of hagbuts and pistols and convocation of the lieges in arms is very strictly prohibited, on 23rd September last, John, Earl of Cassills, Quintin Kennedie, James Currie, Uchthrid McDougall, William Adair, James Kennedie and Archibald McAuld, domestic servants to the said Earl, William Branster in Linstoune, John and Henry Davidsone in Burnmouth, John Fultoun in Gultriehill, Andrew McCoshe in Craurfurdstoun, Thomas Davidsone in Penniglen, Neill Galloway, James Henderson in Woodstoune, John Henderson in Gomerstoune, James Fleeming in , James Campbell in Barnefur, John Kennedie of Knockda, Thomas McArg in Milnetoun of Cassills, Thomas Mortoun in Mains thereof, and Thomas Smith in Durinehill, with others, all at the instigation of the said Earl, came under cloud and silence of night to the barnyard of the said Alexander Steuart, "where his bere and cornes were standing thalked and crouned, and there the said Earle, without forme or order of law, yockit a number of his foote boyes and kuist tua of the said Alexander his stalkes, ane of beir, ane other of corne, slang ane great quantitie thairof over the barnyaird dykes among the filthie myres, scattered the rest ahort the feilds and intromettet and away toke what they pleased of the same. And the said Earle of Cassills and John Kennedie of Knockda in this meanye tyme brake up the compleaters barne doore and walked up and doun the same untill the personis foirsaid had destroyed the compleaters hail cornes."

Further, on 1st and
3rd November, the said Earl and other persons foresaid came to the complainer's said barnyard, where the Earl caused his footboys and servants cast over five of the complainer's stacks, whereby his corn has been so spoiled and abused that he will scarcely have sufficient with which to sow his lands. And, on the said 1st of November, the said Quintin Kennedie, Uchtred McDougall and William Branster, by command of the said Earl, pursued the complainer for his life between Cassills and his own house, whither he fled for safety, but they broke up the doors and would have slain him but for his own better defence; and, on the said 3rd November, the foresaid Uchtred McDougall with a rung and his hands and feet cruelly hurt and wounded Gilbert Henderson, the complainer's son-in-law. Charge having been given to the said Earl, and he and the pursuers personally comparing and having been heard, the Lords "perceavie cleirlie that there is suche miscontent betuix the saids parties as nather can the said Earle acknowledge the said Alexander as a kyndlie and dewtiful tenant, nor the said Alexander carie himselfe to the said Erle with that respect quhilk becometh an humble tenant to his master and quhilk proceidit from the said Alexander his leiding of his teindy of his saids lands after that the said Erle had served inhibitions thairupon and given advertisement to the said Alexander not to meddle theairwith," find it expedient that the Earl provide himself with another tenant in the lands held of him by the said Alexander, viz. the two mark land of Blairbowie, the keeping of the park of Cassills with the Newlands and meadow under the same; and that the said Alexander provide himself with another master. They therefore ordain the said Earl to pay to the said Alexander 1000 merks precisely at Whitsunday next with 300 merks additional of penalty in case of failure, and that in full satisfaction of damages done in the drawing by the Earl of his teind forth of the said Alexander's corns stacked in his barnyard, and of the expense to which he has been put in raising this complaint, as also in satisfaction of the right and kindness of the holding he has from the said Earl. And they ordain the said Alexander thereupon to renounce his tack and right and kindness thereof to the said Earl under reservation of the crop sown for this present year, with which he is to deal at his pleasure, always excepting the said Earl's teind of the same. The Earl is to have entry to the grass of the lands at Whitsunday, when the said Alexander is to remove all his goods therefrom and vacate the whole houses and buildings except the barn and barnyard for the keeping of his corns according to the use of the country. Further, the said Alexander is to make payment to the Earl of his ordinary rent at the term of Candlemas [sic] next precisely, and to be burdened with no further service, without prejudice to the Earl of any rents due to him for the year 1634. The Lords further extinguish all actions standing between the said parties, who both declared themselves content with their Lordships' decision and promised real obedience thereunto.
Complaint by Angus McEan Vic Dougall, servitor to Hector McLaire of Kendlochallane, as follows:—On November last Charles McClaine in Unibeg, John McEachan Vic Ean Roy in Gaydine, Donald Gow in Corunahannach, Gillespiek Geir McChannach in Skallasheillbeg, John Dow McChannaniche, Donald McCondochie Vic Gillivoir, Archibald McShirrie in Leattir, Ewin McEwin there, Gilcallime McEan Vic Gillichalline there, and Donald Roy McGillean Vic Gowlay, all armed with bows, darlochs, swords, targes and other weapons, cruelly pursued the complainor for his life, gave him many bauch, blae and bloody strokes, bound him with cords as if he had been a thief, carried him away and kept him prisoner for five days and five nights without meat or drink with the intention of hungering him to the death, if he had not made his escape. Charge having been given to the persons named and the pursuer compearing by James Logie, but none of the defenders, the Lords ordain the latter to be put to the horn and escheated.

Supplication by William Seatoun of Sceathin, as follows:—He is distressed as cautioner for the young Laird of Pitcaple who has now fled to Ingland, and the supplicant has come to this burgh to deal with his joint cautioners for his relief, but his enemies have stirred up his creditors to seek personal execution against him and so debar him from lawful diligence against the Laird of Pitcaple. He therefore craves their Lordships’ warrant for his safety. The Lords grant him their protection until 1st August next.

Act of caution by Sir John Grant of Freachie for John Grant of Glenmorestoun that he will observe the acts of Parliament for the maintenance of peace by the chieftains of clans and others; with clause of relief. (Signed) GLEMORISTOUN. S. J. GRANT, cationer.

“The Lords ordains the Earle of Cassillis and shireff of Galloway to find lawborrowes to others under the paines conteaneit in their former acts and to remaine within burgh and not to remove till they find the said cautioune.”

Sederunt—St. Andrewes; Erroll; Mairshell; Wintoun; Gallouay; Edinburgh, Lauderdaill; Dumfreis; Southeak; Traquair; Binning; Bishop of Edinburgh; Bishop of Dumblane; Lord Naper; Clerk Register; Advocate.

“The Lords of Secret Counsell remitts the informationes and articles givin in aganis Androw Bruce of Mownes and others in Zetland to the consideration of John, Earle of Traquair, Sir John Hay, Clerk of his Majesteis Registers, and Sir Thomas Hope of Craighall, his Majesteis Advocat, or anie twa of thame, ordaining thame to take tryell theirrof and of the desire of the same and to report to the Counsell their opinion thereon.”
"The quhilk day Sir Thomas Hope of Craighall, knight baronet, Advocat to our soverane lord, made intimation to Sir Alexander Gordoun of Cluny, Johne Gordoun of Buckie and James Gordoun of Letterfourie, who wer personallie present, that there was a commissioun past to George, Marques of Huntlie, and unto thame and others nominat be the said Marques for persue and exhibition of the brokin men in the north, and required thame to advertise their freinds with all possible diligence to the effect of the said commissioun againis the saids brokin men conforme to the tennour thatrof."

[Segment as recorded above.]
wrong that shall be committed in the meantime and for redresse of byganes as accords of the law."

"Most sacred soverane,—Whereas your Majestie hes ever had ane royall and princeleig regard to this your Majestie ancient kingdome by communicating of your princeleig favours in ane equall proportion unto the subjects of both your Majesties kingdoms of Scotland and England, amongs others the patent of the glasse worke is not one of the least which, having ane free passage in all others your Majesties dominions, will much tend to the advantage of this kingdome, not onlie in the particular itselte bot as being a meane to invite the maisters of others arts and ingenious inventions to adventure with us as that weill accomplished gentleman, Sir Philibert Vermitty, hath done who, to his great charge, hath perfytte that worke of making of glasse in this kingdome quhereby manie of your Majesties good subjects heir ar haldin at warke to their great advantage, and on his behalfe we will humblie presume to give unto your Majestie most humbele thankes, humblie beseeking your Majestie for the better encouragement of him and others of his qualitie and parts to contnew your gracious favour towards him, for the whiche as all others your Majesties royall and tender regards of the weale of this your Majesties kingdome we shall ever remaine, etc. Subscribitur—St. Andrews, Glasgow, Wintoun, Wigtoun, Lauderdale, Dumfreis, Southeek, Traquair, Naper, J. Hay, Ja. Carmichaell. Edinburgh, 17 Martij, 1635."

Act of caution by John Grant of Glenmoreistoun for Patrick Grant, apparent of Glenmoreistoun, his son, that he will observe the acts of Parliament for the maintenance of order by the chieftains of clans and others, as ante, p. 477; with clause of relief. (Signed) PATRICK GRANT of GLENOIREISTOUN.

Sedentain—Chancellor; Glasgow; Erroll; Mairshell; Wintoun; Edinburgh, 17th March 1635.
Wigtoun; Lauderdale; Dumfreis; Southeek; Bishop of Edinburgh; Bishop of Ross; Bishop of Dumblane; Naper; Clerk Register; Advocate; Justice Clerk.

"Forsamekle as it is understand to the Lords of Secret Counsell that foure of the lymmers who were actors in all the insolences, heerships, depreations and fire raisings committed upon his Majesties peaceable and good subjects in the north parts of this kingdome ar of late tane and brought to the place of Kynnaire, pertaining to the Laird of Fendraught, quher they are keept in sure firmanse be his ladie, of the quhilk lymmers one is callit Beg, twa ar callit Cowyes, and the name of the fouth not yit kowne. And whereas it is most probable and certane that thir foure lymmers who wer personall actors in all the insolences foresaid can give a trew light and information to the saids Lords who..."
wer the principall authors, devisers, prosecuters and followers out of the disorders and troubles and where and be whome and upon whois ground and lands the persons guiltie hes beene ressett and interteanyed; necessar it is, thairfor, that thir four persons now in hands be exhibite before his Majestie Counsell to be examined and otherways tane order with and punished as accords. For quhilk purpose the saids Lords ordains letters to be direct charging the shireff of Bamff and his deputys to make their adresee, weill and substantioasie accompanied, to the said place of Kynnaird and thair to receave from the Ladie Fendraucht the four persons abonewrittin and to bring and delyver thame to the shireff of Aberdene and his deputys within 36 hours nixt after they be charged thereto under the pane of rebellion, etc., and to charge the shireff of Aberdein and his deputys to receave the saids four persons from the shireff of Bamff and his deputys or suche as sall have the charge of their convoy within one houre nixt after they be presentit to thame, and to bring and delyver thame to the shireff of Kincardin and his deputys within 24 houresthereafter under the said pane of rebellion, etc.; and to charge the said shireff of Kincardin and his deputys to receave the saids four persons from the said shireff of Aberdein and his deputys within one houre nixt after they be presentit unto thame, and to bring, present and exhibite thame to the shireff of Forfar and his deputys within 24 houresthereafter under the said pane of rebellion, etc.; and to charge the saids shireff of Forfar and his deputys to receave the saids four persons from the said shireff of Kincardin and his deputys within one hour after they be presentit unto thame, and to bring and exhibithe thame to the provest and bailleis of Dundie within 24 houresthereafter under the said pane of rebellion, etc.; and to charge the saids provest and bailleis of Dundie to receave the saids four persons from the saids shireff of Forfar and his deputys within one houre after they be presentit unto thame, and to bring and delyver thame to the shireff of Fyffe or his deputys within 24 houresthereafter under the said pane of rebellion, etc.; and to charge the said shireff of Fyffe and his deputys to receave the saids four persons from the saids provest and bailleis of Bruntilland [sic] within one houre after they be presentit unto thame and to bring and delyver thame to the bailleis of Bruntilland within 24 houresthereafter under the said pane of rebellion, etc.; and to charge the saids bailleis of Bruntilland to receave the saids four persons from the said shireff of Fyffe and his deputys within one houre nixt after they be presentit unto thame and to bring and delyver thame to the bailleis of Leith within 24 houresthereafter under the said pane of rebellion, etc.; and to charge the said bailleis of Leith to receave the saids four persons from the said bailleis of Bruntilland within one houre after they be presentit unto thame, and to bring and delyver thame to the provest and bailleis of Edinburgh within sixe hours thereafter under the said pane of rebellion, etc.; and to charge the saids provest and bailleis of Edinburgh to
receave the saids foure persons frome the saids bailleis of Leith within ane hour after they be presented to thame and to committ thame to ward till order be givin for thair tryell and punishment under the said pane of rebellion, etc.; and if anie of the persons foresaidis faillies in anie point heirof the tymes respective foresaidis being bypast to denunce, etc."

"Forsamekle as in all the disorders and troubles quhilkis hes of lait fallin out in the north parts of this kingdome Katharine Forbes, Ladié Rothemay, hes had a speciall hand, not onelie by a covert and secreit forme of supplesi and releeffe givin be her at the beginning of the saids troubles to the principall actors and ringleaders therein, but in end with ane plane and high hand she hes publicitie and avowedlie tane upon her the patrocinie and defence, so far as in her lyes, of the saids rebellis, hes ressett thame in her hous of Rothemay, hes fortified the same with men, victuallis and all other warrelie provision and she and they concurring togidder, hes kepeed and keepes the said hous as ane hous of warre againis his Majestie and his auctoritie, and hes beene and is upon the counsell of all the passages in this rebellion, for the quhilk she, being callit to her answer before the Lords of Privie Counsell and takand upon her the guilt of the saids crimes, she absented herselfe and compeired not and wes thairfoir denuneced and registrat at the horne and con-tempnandlie remanis threat as yitt unrelaxt in high and proud contempt of his Majesteis auctoritie and lawes, and thairfoir it is verie necessar that she be exhibite before the saids Lords to underly her examinatioun and tryell as accords. For quhilk purpose the Lords of Secret Counsell ordains letters to be direct charging the shireff of Bamff and his deputis to pas, searche, seeke and take the said Katharine Forbes where ever she may be apprehended within the bounds of his office and to bring and delivyer her to the shireff of Aberdein and his deputis within three days after the charge under the pane of rebellion, etc.; and to charge the said shireff of Aberdein to receave the said Katharine frome the said shireff of Bamff and his deputis within ane hour after she be delivyred unto thame and to bring and delivyer her to the shireff of Kincardin and his deputis within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Kincardin and his deputis to receave the said Katharine from the said shireff of Aberdein and his deputis within ane hour after she beis presentit unto thame and to exhibite her to the shireff of Forfar and his deputis within 24 houres thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Forfar and his deputis to receave the said Katharine from the said shireff of Kincardin and his deputis and to exhibite her to the provest and bailleis of Dundie within 24 houres thereafter under the said pane of rebellion; and to charge the saids provest and bailleis of Dundie to receave the said Katharine from the said shireff of Forfar and his deputis within ane hour after she beis
presentit unto thame and to exhibite her to the shireff of Fife and his deputs within 24 hours thereafter under the said pane of rebellion, etc.; and to charge the said shireff of Fyffe and his deputs to receave the said Katharine from the saids provest and bailleis of Dundie within one houre after she beis presentit unto thame and to exhibite her to the bailleis of Bruntilland within 24 hours thereafter under the said pane of rebellion, etc.; and to charge the said bailleis of Bruntilland to receave the said Katharine from the saids shireff of Fyffe and his deputs and to bring and exhibite her to the bailleis of Leith within 24 hours thereafter under the said pane of rebellion, etc.; and to charge the saids bailleis of Leith to receave the said Katharine from the saids bailleis of Bruntilland within one houre after she beis presentit to thame and to exhibite her to the provest and bailleis of Edinburgh within 24 hours thereafter under the said pane of rebellion, etc.; and to charge the said provest and bailleis of Edinburgh to receave the said Katharine from the saids bailleis of Leith within one houre after she beis presentit unto thame and to committ her to waerd, therein to remaine till she be tryed and examined as accords, under the said pane of rebellion, etc.; and if they failie ye therein, the times respective foresaids being bypass, to denunce, etc."

"Forsamekle as one of the causes quhilks have procured the continuance of the disorders and troubles in the north hes proceeded from the ressett quhilk the rebellis hes found in the hous of Rothemay, quhilk hous they have fortifid with men and victual, poulder and leade, and keepes the same as ane hous of warre, and when they find the occasioun of anie mistchaif or trouble to committ in the countrie they come out of the hous, prosecuts thair treasonable resoluciones and returns back agane to the said hous where they ar ressett, and thinke thameselfis als secure therein as if they wer lawfull subjects; and whereas it is ane great discredate to the countrie that ane handfull of treasonable lymmars sould be suffered to have suche starting holes in the countrie for thair retreat and suretie after the committing of thair mischant and insolent villaneis, thairfoir the Lords of Secret Counsell ordains letters to be direct charging the shireff of Bamf and his deputs, within whois office the said hous lyes, to pas to the said hous and to persewe and take the same, remove all persons furth thairof and putt a competent number of persons within the same, to be keepe be thame upon the expenses and charges of the readiest of the rents and living of Rothemay during the time that they be warrand from his Majestie Counsell sall have the charge and keeping of the said hous; and if neid beis with power to the said shireff and his deputs to convocat his Majesties lieges in armes for thair better assistance in the execution of the premisses, and to make opin doores and to use his Majesties keyes, and to doe all others things necessar for recoverie of the said hous and expelling of the rebellis and thair complies furth thairof, and that the said shireff and his deputs effectuellie
execute this direction within three days after the charge as they will answer to his Majestie and his Counsell upon the dewise discharge of their offices and under the pain to be calit before his Majesties Counsell and to be persewged and punished as remisse, unworthie and negligent officers to his Majestie in the execution of his royall commandements."

"Forsamekle as altho there hes beeene diverse acts and proclamationes made and published heerfofre againis the importation of the false and counterfoote copper coyne vented within this kingdome in the speces of turnours and farthings, as also againis the importation of Holland doitts, doubles or suche other kynde of trahe unlawfull to have course and never allowed nor tolerat within this kingdome at anie time heerfofre under certane panes mentionned and conteanit in the acts and proclamationes made and published thereanent; notwithstanding suche hes beeene and is the presumptioun of nombers of his Majestis subjects in this kingdome and of strangers that they ceassee not to bring within this kingdome great quantities of the saied copper penneis and farthings and of the Holland doitts and doubles, so as in a maner the countrie is filled with the same. And whereas it is a great disgrace to his Majestis governement, contemp of his royall auctoritie, scandall to the kingdome and great hurt to the subjects that this false and counterfoote copper coyne of the speces foresaid and formerlie discharged, as said is, sall be suffered to have course or passage within this kingdome, and the saide Lords, being carefull to prevent the farther growth of this evill and to try and point out the persons guilitie of the same; thairfoir the saide Lords hes givin and grantit and be the tennour of this present act gives and grants full power, commission and warrand to M[.] James Gordon, keeper of our Soverane Lords signet, M[.] Alexander Kinneir, writter, M[.] Robert Ferguban, merchant burges of Aberdein, Robert Keith, writter to his Majesteis signet, Robert Gordoun in Cluny, Duncan Forbe, provest of Innerses, Robert Bettie, burges of Montrose, Archibald Stuart, merchant burges of Air, Captane David and Robert Alexander, burgesses of Anstruther, Alexander Wedderburne, burges of Dundie, M[.] John Adamsone, shireff clerk of Hadintoun, Thomas Maxuell, brother to the Laird of Kirkconnell, John Montgomerie of Cocklie, George Hangitside, burges of Kelso, Johne Rutherfurde, burges of Jedburgh, George Aitkine of , William Strauchen in Duncie, Johne Anderson, merchant in Glasgow, George Sinclair of Rapnes, and M[.] James Mouat, fear of Garth, and to all judges, officers and magistrates to burgh and land, conjunctie and severallie, to make diligent inqyriye and searche where and by whom this false coyne of the copper penneis, copper farthings, and of the doitts and doubles hes beeene or sall be imported and outted among his Majestis good subjects, and to apprehend the persons guilitie, and to intromett with the said false and forbiddin coyne, and to commit the persons guilitie to ward, or otherwayes to exhibite thame to his Majestis Counsell; with power also to thame to
meddle and intromett with the said false and prohibite coyne and to exhibit he thame to his Majestis Counsell; firme and stable halding, and for to hald all and quhatsomever thinges sall be lawfullie done herin.”

“The whilk day, in presence of the Lords of Secret Counsell, compeird personallie the persons underwrittin and gav their great and solemn oath in maner and to the effect following:—

Giacomo Lepomanno, sworn, depons that, having served Sir Robert Mansfeild foure yeeres and givin him his band, Sir Robert delivered to the deponner backe his band, whereupon he being free he entered in service with Sir Philbert Vernatty, and denyes upon oath that he wes seduced.

Francisco Maxalao, sworn, depons that [it] is ten yeeres since he served Sir Robert Mansfeild and that he is free of Sir Robert and hes beene serving in Germanie and wes since his returne in England, bot Sir Robert did never challenge him nathe had anie service for him and that he wes free of Sir Robert.

Christopher Faray, sworn, depons that he served Sir Robert foure yeeres under band and that Sir Robert having dishim him and delivered him backe his band within this halfe yeere and being free he entered in service with Maximilian Vernatty, brother to the said Sir Philbert, and denyes seducement.

Valeria Biondi, sworn, depons he served Sir Robert Mansfeild as a voluntar, bot wes no wayes tyed to him by anie condition, and that it [is] seven moneths since he left him.

Francisco Biondi, sworn, depons he wes Sir Robert Mansfeilds servent sevin yeeres and wes bound to him onelie for foure yeeres, whiche are expired, and that he wes a freeman, and denyes seducement.

Francisco Ballanato, sworn, depons he wes Sir Robert Mansfeilds servent bot wes never bound to him, and that being a free man and hardlie use be Sir Robert he left his service, and denyes seducement.

Giovanni Rigetto, sworn, depons he wes in service with Sir Robert Mansfeild bot wes never bound to him, whereupon he wes conduced be Maximilian Vernatty.

Johne Rousi, sworn, depons he hes served Sir Robert Mansfeild bot wes never tyed to him in anie condition and denyes seducement.

Charles Martine, sworn, depons he hes served Sir Robert bot wes never tyed to him, and being free he entered in service with Maximilian Vernatty.

Basteane Nicoll, sworn, denyes that ever he wes bound in anie condition to Sir Robert Mansfeild, bot wes a free man.

Johne McAoombla, sworn, depons he hes served Sir Robert twa yeeres bot wes ever free and no wayes bound to him.”
Complaint by Sir Thomas Hope of Craighall, King's Advocate, and James Seatoun, burges of Aberdene, party grieved, as follows:—Though the carrying of bagbutes and pistolets and convocation of the lieges in arms is strictly prohibited by the laws, yet on 1630, the said John Keith and Patrick Forbes, then chamberlain to the Earl of Mairshell, having set to the said James a tack of the lands of Liddoche of Skene, for five years, after they had lain four years waste, and the complainant having occupied the lands for some years and looking to obtain the benefit of the said tack, on June 17th, 1635., against John Keith and others, who, at the instigation of the Earl Marischal, have illegally warded him, and injured his goods, the said John Keith and Patrick Forbes, Robert Keith, writer, John Leslie, Robert Gordoun, Alexander Thomson, James Keith, George Deines, Robert Hall, William Blackhall, John Keith in Auquhorsk, Alexander Forbes, William Strachan, Alexander Norie, William Scot, Robert Forbes, John Thomson, and others, armed with swords, staves, bagbutes, pistols and other weapons, came, at the special instigation of the said Earl, by way of hamesucken, to the complainant's dwelling house in Liddoche of Skene, put violent hands on him and carried prisoner to the tolbooth of Aberdene and kept him there a long time until he was forced to renounce his tack. Thereafter Robert Keith, brother of the said John, being general chamberlain to the said Earl, augmented his tack duty, at which time his tack was renewed upon new conditions; and, when the complainant offered George Creichtoun, younger of Creichie, as cautioner for his performance of the conditions, the said Robert laboured with the said George to refuse to be cautioner. Again on the said John Keith and others, armed with swords, bagbutes and pistolets and other weapons, at the instigation of the said Earl, came to the complainant's dwelling house, “brake up the doores thairof, rugged doun the rooffe of the hous, barnis and chalmers, so as ten bollis of me in his chalmer, and ane stacke of corn containing sextene bollis aitt, being in his barneyard, were all lost. Lykeas about that same tyme the said Robert Keith himselfe came from Staniehyve to the compleaner in Con . . . and priest to have overrunne him with his horse and with ane braid sword hurt and woundit him on both the hands to the effusio of his blood. And upon Wednesday thairafter the personis forsaidis, boddin, as said is, came to the ground of the compleaners lands and dimolished and kruist doun the wallis of the saids houses and raised the same to the ground.” Charge having been given to the said John Keith, Robert Keith, writer in Edinburgh, John Leslie, messenger, Robert Gordoun in Achroek, Alexander Thomson, servitor to the Earl of Mairshell, James Keith, younger of Kinnadie, George Deines, Robert Hall, William Blackhall, John Keith in Auquhorsk, Alexander Forbes in Rodgerhill, William Strachane in Kirkton of Skene, Alexander Norie in Liddoche of Skene, William Scot in
Robert Forbes in Milbowie, John Thomsone in Kirktoun of Skene, appearing personally and likewise the whole defenders, except John Keith, the officer, and Alexander Forbes in , (for whom the said Robert Keith produced two certificates under the hand of the minister of Kinneller and of the elders of the kirk of Skene, stating their inability to travel in regard of their age and the present storm), and parties and their witnesses having been heard, and in regard to certain points reference having been made to the defenders' oaths of verity, the Lords assize the whole of the defenders, who admitted the taking of the pursuer, though they declared it was by virtue of letters of caption, as also the deecesses following thereupon.

Complaint by Dame Agnes Falconer, widow and executrix confirmed to Alexander Keith of Benholme, and John, Master of Corstorphine, now her spouse, for his interest, as follows:—On 11th February last Mr. David and John Arakyne, burgesses of Montrose, were put to the horn at the instance of the complainers for not paying to them 10,000 merks of principal, 2000 merks of expenses, with interest of the principal sum at 10 per cent. and £100 of penalty for each term's failure in payment of the interest. They intended to follow up the horning by caption and other legal process, but this was frustrated by the said John purchasing a protection from his Majesty, in which the complainers reverently acquiesced. In the said protection there is the special provision that the said John shall pay the annual rents of the sums due to the creditors, but he has not acknowledged them in either the principal sum or the interest, and will not do so. The complainers, however, are confident that the Council will allow them the benefit of the law with regard to the annual rents, and they will wait patiently for the payment of the principal sum during his protection. Charge having been given to the said John Arakyne, and he comparing by Mr. John Sandilands, advocate, his procurator, and the said John, Master of Corstorphine, appearing as pursuer, the Lords, after hearing parties, grant warrant to all sheriffs and other judges to enforce letters of caption and other legal diligence against the said John Arakyne for making payment to the complainers of their annual rents notwithstanding of the said protection; but the Lords supersede execution hereof till Whitsunday next.

Edinburgh, 17th March 1635.

Aprehension of four rebels by the Lady of Fendraucht.

Pears and plaiding.

"The qhilk day the Laird of Fendraucht produced a letter from his ladie bearing that she had takin foure of the brokin men that accom-panied Adame Gordoun and wes partaker with him and the rest of the rebellis in thair lawlesse courses, for whois exhibitioon before the Counsell ordanis letters to be direct charging the shireffs to exhibit thame fra hand to hand to the tolbuith of Edinburgh."

"Continewes the processe anent the pearle and plaiding till this day aucht dayes."
"Continewes the Marques answr to the Counsellis ordinance till the
morne at nyne of the clocke in the morning."

"Ballindallach cautoner for exhibition of Dunkintie before the
Counsell the morne under the pane of v° merkes."

Sederunt — St. Andrewes; Wintoun; Wigtoun; Lauderdaill; Edinburgh,
Dumfreis; Southesk; Traquair; Bishop of Edinburgh; Bishop 18th March
of Dumblane; Lord Bining; Lord Alexander; Lord Naper;
Clerk of Register; Justice Clerk.

"The quhilk day the Lords of Secret Counsell finds and declares that the
Laird of Fendraucht from all incursions, heirships, fireraising, publick
and opin oppressions to be committed upon him be the name of Gordoun,
and that the Marques his aceptation of ane commission for persute
and exhibition of the brokyn men and rebellie sall not make him
answerable in law for the name of Gordoun and sall be without prejudice
to the Marques of his lawfull defences competent to him for byganes as
accords of the law."

"The quhilk day the Laird of Fendraucht, compeirand personallie, for his indemnitie in time coming sall be without prejudice of his action
and the Marques of Huntly.
competent to him for byganes as accords of the law, quhilk protestatioun
the Lords admitt."

"Ordnas the Marques to find caution to keepe Fendraucht free frome
all incursions, heirships, &c., to be committed upon thame be the name
of Gordon under the pane of redresse of the whole skaith that sall be
done."

Sederunt — St. Andrewes; Privy Seal; Glasgow; Erroll; Mairrahell;
Wintoun; Wigtoun; Lauderdaill; Dumfreis; Southesk; 18th March
Traquair; Bishop of Ros; Lord Bining; Lord Alexander;
Master of Elphinstoun; Clerk Register; Advocate; Justice
Clerk.

"Forsamekle as the persons underwrittn, they ar to say, , tutor
of Glenneveis, McRannald younger, Adame Gordon, callit of
Parke, Alexander Gordon, younger of Innermerkie, Johne and Nathaniel
Gordons, sonnes to Johne Gordon of Ardlogie, James Gordoun, callit the
souldioure, William Gordoun, sone to Gollachie, Johne Gordoun, sone to
Littlemike, James Gordoun, sone to Baldornie, James Gordoun, sone to
Patrick Gordoun in Sutherland, Robert Gordoun, brother to the Laird of
Geicht elder, Alexander Gordon, callit of Drumheid, Williame Gordon,
callit of Achnahannach, Johne Gordoun in Corsekellie, Alexander Gordon
of Carneborrow, Alexander Leith, brother to Harthill, Adame
Gordoun, servitour to Adame [Gordoun] of Park, Johne Gordoun in Stradoun, Adame Gordoun there, James, Patrik and Alexander Gordouns, his sons, George Gordoun in Auchiertes, James, Adame and Harie Gordone, his sons, Johne Gordoun in Carnehill, Johne Gordoun in Incheosrie, Johne Gordoun in Wodheid in Rothemay, Duncan and John Dow Brabners, Alexander Duncane, brabner, William Cok, William M'Gillivrich, William Quhyte, Robert Copland, Alexander Kemp, William Beg, James Cruikshanke, whose father dwells in Rothemay, George Moresone there, Johne Proffite, servitour to Nathaniel Gordoun, William Ros, sister sone to Letterfoure, Johne Boyes a\'is Grant, Johne Moore in Stradoun, Johne Rayne, M'\vEwen Conneill and Johne M'\vEwin in Loquhaber, Alexander Baillie, baillie to the Marques, Duncan M'\vGregour M'Eanduy in Stradoun, Angus Flar and Johne M'\vGillespick, Donnald Kelles, Alexander M'\v Kercher, Robert Couper, Alexander Gow, James Inneis, Johne Weir, William Gauld, Johne Geins, Johne Milne, Angus M'\v Inneis, and Andrew Marniche, all in Cabrache, ar delated to be and have beene the authors and committers of the manie slaughters, fire raisings, heirships, depredations and others barbarous oppressions where-with his Majesties peaceable subjects in the north parts have beene greevouslie infested these diverse yeeres bygane, to the dishonnor of God, disgrace of his Majestie government and disturbance of the publict peace and quyetnes of the countrie, for the quilikely they ar all, at the least the greatest part of thame, denounced rebellis: And George, Marques of Huntlie, being callit to his answer heirupon and being urged upon the acts of Parliament with the exhibition of the saiys persons, the saiys Marques, being loath to enter in dispute how far by the lawes of this kingdome he might be burdenned for the saiys rebellis and brokin men, he, by his petition givin in to the Lords of Privie Counsell, did humbelle supplicat thame to forbear all proceeding againis him upon the acts of Parliament and to grant a commision to him and to the persons underwrittin for the persue and exhibition of the saiys brokin men; quhereunto the saiys Lords, at his earnest desire, wer pleased to yeeld. And thairfor the saiys Lords heis givin and granit and be the tennour heirof gives and grants full power, auctoritie and commission, expresse bidding and charge to the said George, Marques of Huntlie, and to the persons underwrittin, nominat and givin up be the said Marques and for whome he saill be answerablie, they ar to say, George, Lord Gordoun, James, Lord Desfurde, Sir Alexander Irwing of Drum, William Seaton of Meldrum, Meinyeis of Pitfoddells, Sir Alexander Gordoun of Cluny, Sir George Gordoun, elder of Geicht, George Gordoun, younger of Geicht, Sir Robert Inneis of Balvenie, Sir Walter Inneis, his sone, Sir James Gordoun of Lesmore, Alexander Gordoun, his sone, John Gordoun of Haddo, Johne Gordoun of Craig, Johne Gordoun of Buckie, Johne Gordoun of Hiltoun, M' Robert Gordoun of Straloche, Robert Gordoun, his sone, Johne Gordoun of Park, Johne Gordoun of Innermerkie,
William of Tulloch, James Gordoun of Letterfoure, George Gordoun of Newton, William Gordon of Terpersie, John Gordon of Corrochie, George Gordoun of Tillischowdie, Patrik Gordoun of Kirkhill, Patrik Gordoun of Kincracle, Johne Gordoun of Blelak, Johne Innis of Leuchars, Alexander Seatoun of Pitmedden, George Gordoun of Coierachie, Harie Gordoun of Glassauche, Alexander Gordoun of Achannachie, William Gordon of Knockaspeck, Robert Gordon, baillie of the Einzie, James Gordon of Dunbennan, William Gordon of Minmore, William Gordon of Braichlie, and George Gordon of Baldornie, conjunctlie and severallie, to convocat his Majesteis lieges in armes and to pas, searche, seeke, follow and persew the rebellis and brokin men particularlie abonewrittin and all others whom the Lords of Privie Counsell sall give in valentine to thame whereever they may be apprehended, and to bring, present and exhibite thame before his Majesteis Counsell or Justice upon the xvij day of Junij nixt to underly thair deserved yeull and punishment; and incase it sall happen the saids rebellious persons and brokin men for eshewing of apprehension to flee to strents and houses, with power to the saids commissioners to pas, follow and persew thame, assige the saids strents and houses, raise fire and use all kynde of force and warrelie ingyne that can be had for winning and recoverie of the saids strents and houses and apprehending of the saids rebellis and brokin men being therein; and if in persute of the saids rebellis and brokin men, they refusing to be tane, it sall happen thame or anie of thame or anie being in companie with thame or within the saids strents and houses and assisting thame to be hurt, woundit, mutilat or slaine anie other inconvenient to follow thereupon, the saids Lords declares that the same sall not be impute to the saids commissioners nor persons assisting thame in execution of this commissioun as crime nor offence, and exonerating thame thairof and of all pane, crime and danger they may incurre therethrow simpliciter be thir presents. And for the better execution of this commissioun, with power to the saids commissioners and persons assisting thame therein to beir and weare hausquebuts and pistolets in the execution of the said commissioun allanerlie and no otherwayes; and generallie all and sindrie others things to doe, exerce and use quhilks for execution of this commissioun of the law and consuetude of this realme ar knowne to perteane; firme and stable halding and for to hald all and quhatsomever things sall be lawfullie done heerin: And ordains letters to be direct charging all and sindrie his Majesteis lieges and subjects to reverence, acknowledge, obey, rise, concurre, fortifie and assist the saids commissioners in all and everie thing tending to the execution of this commissioun and to doe nor attempt nothing to the hinder nor prejudice thairof, and for this effect to be in readines in thair best and most warrelie furniture, and to convene and melt with the saids commissioners at suche times and places as they sall be warned thereunto be missive letters or otherwayes, and to attend
and await upon thame for prosecution of this commission againis the saids brokin men under all highest pane and charge that after may 1638. follow.”

“The Lords of Secret Counsell ordains and commands the maissers of Counsell to pas and charge all the barons and landed gentlemen of the name of Gordoun presentlie in toun to find caution for obeying the acts of Parliament made againis landlords and chiftans of clans and not to remove furth of the toun till they find the said caution, under the pane of horning.”

“The whilk day, in presence of the Lords of Secret Counsell, com- peired personallie John Murrey, alias McGregour of Glenstrae, for obedience of the act whereby he was obleist to appeare himselfe and exhibite his brother, Patrik, this day, and he produced ane testimoniall under the hand of the minister of Comrie and others bearing that his brother was heavillie diseased of ane fever, quhilk testimoniall the saids Lords finds unsufficient in regard the same is not made upon soull and conscience; and therefor the saids Lords ordains the said John to act himselfe to compeir personallie and exhibite his brother Patrik before the saids Lords upon the first Counsell day of Junij nxt, and that the said John sall answer to anie complaint to be moved againis him be the Erle of Rothes under the pane of ten thousands merkes. In obedience of the quhilk ordinance the said John, being personallie present, actit himselfe to the effect foresaid and declared that he was content presentlie to assigne the soume of ten thousands merkes addebed be Sir Robert Spotswod, President of the Colledge of Justice, to him and to make the same lyable and furthcommand, lykeas he presentlie assignes the said soume to the effect foresaid incaise of his faillie and not performance of the premises.”

[Sederunt as recorded above.]

Complaint by Mr Gilbert Poure, minister at Stanieikirk, as follows:—

“The persute and invasion of ministers for doing the dewties of their calling or seiking thair stipends” is strictly prohibited by law, yet Wchtid McDougall of Frewche, because the complainer sought his stipend from him, has resolved to take his life, “and accordinglie he gave out at all meitings that, if a gentleman would stryke ane minister, he would gar him doe what he pleased.” On 14th April last he came to the complainer’s dwelling-house and finding him at his gate, “he first shamefullie upbraaidit him, calling him perjurred and liar, and thereafter patt violent hands in his persone, buffetted him on the face with his neiffe, drew his sword and whinger, resolved to have slain the minister thairwith. And not content thairwith, upon the Sunday thairafter, the said Uchtird, accompanied with John Catchart of Gaynock, John Adair there, Alexander Agnew of Tung, Gilbert Muire there, James McLaunoqhen in
Culina, James Auld in Galdinoch, John Biggart there, John Gurroun in Freuch, Uchtreid Neilson there, Thomas M‘Clunie there, with others their complices, came to ane tua merkland in the compleanners parish where he had some goods pasturyng, and in despyte of the compleaneur, without respect to the Lords Sabbath, drove away nyne of his nolt and cruellie strake, hurt and woundit thame so as they were unable to stirre." Charge having been given to the persons complained upon, and the pursuer compairing personally, also the said Uchtreid M‘Dougall for himself and the remanent defenders, for whom he said he would answer, the Lords, having heard parties and witnesses produced in the case, who failed to prove any part of the complaint, assizeil the whole defenders.

"The Lords continewes the advising of the processe anent the erection of the lordship of Torphichen till the first Counsell day of Junij nixt."

"The Lords grants protection to James Spence till Tuesaday nixt at Protection to James Spence.

"A proclamation continewes the all actions before the commission for the surrenders till Junij nixt."

"The whilk day M‘ William Douglas, maisser, compairand personallie before the Lords of Privie Counsell, declared and testified that, according to the order givin unto him for charging the hail barons of the name of Gordoun being in toun for the time to find caution for keeping the act of parliament made against brokyn men, he had warned and charged the Laird of Abiryeildie to sett the said caution; quhereupon the said laird being ofymes callit and not compairand, rather caution found be him to the effect foresaid, the sauds Lords in respect of the said laird of Abiryeildie his contumacie and neglect of the Counsellis ordinance ordains letters to be direct to denunce him his Majesteis rebell, etc."

"The whilk day Donnald Ferquharson of Monaltrie, compairand Donald Fargharson of Monaltrie, accused of disorder in the North, to remain in Edinburgh at the will of the Counsell, till he be dismiss be the Counsell, quhilk the said Donnald promeit to obey."

"The Lords of Secret Counsell ordains and commands George Marques of Huntlie, to find new, sufficient and responsall cautioners actit in the bookes of Privie Counsell for the indemnitie of the Laird of Fendraught under the paine of ten thousand merkes, conforme to the charge of lawborrowes execut aganis him."
"The Lords of Secret Counsell continewes the processe anent the pearle till the first Counsell day of Junij nixt, quhairof Mr Alexander Guthrie for the burrowes, being personallie present, and Mr Robert Petre for Robert Buchan, being also personallie present, ar warned apud acta."

"Forsamekle as the fraud and deceit used in the northland faires and mercats of this kinglydome by presenting of the plaiding brought there to be sold in hard rollis to the great hurt and prejudice of his Majestis subjects, buyers of the same, being humble represented to the King his sacred Majestie and his Estaitis conveennd in the Parliament haldin at Edinburgh in the moneth of Junij, 1633, and they, having considderit thairof and being carefull that the abuse (if anie be) sould be reformed and mended, his Majestie and Estaitis of Parliament for this effect remitted the tryell and cognition of the said abuse and fraude to the Lords of his Majestis Privie Counsell and to their determinatioun to be givin thereintill, givand power to thame to take tryell of the said abuse and fraude and to decerne and determine therein as they sould think expedient and agreeable with reason and equitie and the good of the subjects, whois determination, sentence and decreit to be pronounced in this mater his Majestie and his Estaitis declared to have the force, strentgh and authoritie of ane decreit, sentence and act of Parliament, as the said act of remitt beiris. Conforme to the qubilk act and to ane missive letter writtin sensyne be the Kings Majestie to the saids Lords, earnestlie recommending unto thame the taking of some speedie course for reforming of the said abuse and fraude, and they being verie carefull to be trewlie informed of the estait of this bussines to the intent they might with the greater warrand proceed and determine therein, the saids Lords for this effect callit before thame some of the barons in the north with the commissioners for the burrowes and recommendit unto thame the making choise of some of thair number to repace to the mercats in the North and to take tryell of the said abuse and of the wrong allgedt done in the mettage; and the choise being accordinglie made be the barons and burrowes, and the persons chosin, at the least a number of thame, having repaired to the saids mercats and informed thamselfes sufficientlie anent the premisses, they have givin in their report in writt to the saids Lords. Qhilkis reports being read, heard and considderit be the saids Lords and they having lykewayes heard some of the saids commissioners thamselfes both for the barons and burrowes and all that was propounded and allged be thame in this bussines, and being weill and throughe declared therewith, the saids Lords hes tane the course and order following which they decerne and ordaine to stand as a constant rule and to be observed in all time comming in buying and selling of plaiding; to witt, the saids Lords hes ordained and ordains that in time comming all plaiding to be presented to be sauld in mercats sall be layed out in folds to the view of the buyers, and the Lords leaves it arbitrarie to the owners of the plaiding to bring it to the mercats in rollis; and if the
Merchant buyer shall upon sight of the plaizing in folds marke and seale the same, in that case it shall not be leasome to the merchant to resile from the bargane for the cauze of insufficientie; and the Lords declares and ordains that the partie seller shall have the metting of the plaizing if he please without prejudice to the buyer if he please to mett the same over agane; and for eshewing of fraude and deceat in the mettage the saids Lords decernis and ordains that all plaizing shall be mett with ane lawfull elwand sufficientlie sealed and that aff the ground and that naie sail lay their hand upon the same whil it is in metting but the person who metts the same; and ordains letters to be direct to make publication heirof be opin proclamationat at all places neidfull wherethrow noane pretend ignorance of the same, and to command and charge all his Majestis lieges whome these presents doe or may concerne to conforme themeselfes in buying and metting of their plaizing to this present act and ordinance, and that naie presomme upon whatsoever culour or pretext to violat the same under the pane to be callit, persewed and punished as contemners of the saids Lords thair ordinance; and siclyke to command and charge all persons who hes the charge of keeping of the saids mercats to have a speciall care that this act and ordinance be preccialie keepe in the saids mercats as they will be answerable upon the dewtfull discharge of thair offices."

[Sederunt as recorded above, omitting the Bishop of Dumblane.]

Complaint by William Crawfurde of Pennisadzeoch, Gabriel Poterfeild of Hapland, Alexander Poterfeild of that Ilk, and James Blair, burgess of Irving, creditors of Mr Matthew Craufurde, brother of Lesnorieis, as follows:—An agreement has been entered into for the sale of the lands of Lesnorieis to the Earl of Dumfreis for their satisfaction, the only thing awanting being the signature of the said Mr Matthew, who has some interest therein. The said Earl has sent to Ireland for him for this purpose, but he dare not come to this country without their Lordships' protection, and this accordingly they crave. The Lords grant their protection to the said Mr Matthew against all legal diligence for civil debts until 1st August next.

The Lords of Secret Council, for the better enabling of Enfame Wauchoop in Dudingston toune to seek in some debts due to her for satisfying her creditors, grant to her their protection till 1st August next.

Supplication by Mr Alexander Levingstounie, son of the deceased Mr William Levingstounie of Eyster Greinyairds, as follows:—"Out of the trew filial respect that he did ever carie to his father," he at his special request became cauterion for him to several persons, by whom he is so molested "that he cannot have a competent space in regarde of some inhibitions impeding him to make moneys of that meine patrimonie left..."
be his father for his releeffe of the saids ingadgments." He therefore 
craves their Lordships' protection. This the Lords grant till 1st August 
next.

Sederunt—St. Andrewes; Glasgow; Erroll; Mairshell; Mar; 
Murrey; Wintoun; Wigtoun; Lauderdaill; Dumfreis; Southesk; 
Traequair; Lord Bining; Lord Alexander; Bishop of Murrey; 
Bishop of Ros; Bishop of Dumblane; Lord Naper; Clerk 
Register; Advocate; Justice Clerk.

Lawburrows by "The whilk day, in presence of the Lords of Secrete Counsell, compeird 
personallie John Gordoun of Buckie and produced and exhibite ane 
band of lawborrowses made and subscryvd be George, Marques of 
Huntlie, and certane responsall barons for the indemnitie of the Laird of 
Fendraucht conforme to the Counsells ordinance made thereament of the 
dait the 21 of this instant, quhilk band, being seene and considerit be 
the saids Lords, they ordaine the same to be insert and registrat in the 
booke of Privie Counsell to have the strethne of ane act and decreit of 
the saids Lords, of the quhilk band the tennour followes:—We, Sir 
Alexander Gordoun of Cluny, knight, Sir George Gordoun of Geicht, 
George Gordoun, younger of Geicht, John Gordoun of Buckie, John 
Gordoun of Hiltoun, James Gordoun of Letterfoure, Donald Ferquhar-
sone of Monaltrie, Robert Gordoun of Cowdranie, George Gordoun of 
Newton, conjunctlie and severallie, be the tennor heirof binds and 
obleisiss us as cautorsion and souerteis for George, Marques of Huntlie, 
that James Crichtoun of Fendraucht, his wife, barnes, men, tennents and 
servants sall be harmellesse and skaithlesse in thair bodeis, persons, lands, 
heritages, tacks, steidings, rounes, possessions, cornes, cattell, goods and 
geir and on na wayes troubled nor molestit therein be the said George, 
Marques of Huntlie, nor be no others of his causing, sending, hounding 
out, command, ressett, assistance and ratibation whom he may stop or 
latt directlie nor indirectlie in time tomin otherwayes nor be order of 

law and justice under the pane of ten thousand merkes; and that for 
obedience and satisfaction of the letters of lawborrowses used and execute 
at the instance of the said James Crichtoun of Fendraucht aganis the 
said George, Marques of Huntlie, thereament. And I the said George, 
Marques of Huntlie, binds and obleisiss me, my airis and executours to 
wartand, freith, releeffe and skaithlesse kepe the forenamit persons, my 
cationers abowewrittin, of all coast, skaith and damage, interest or 
expeneses they sall sustene or incurre therethrow at all hands and aganis 
all deidlie. And we, the forenamit cationers, binds and obleisiss us, con-
junctlie and severallie, to releev ilke ane others proportionallie and pro 
\textit{rata} for our awne parts of the haill contents of this present band. And 
for the mair securitie we ar content and consentes thir presents be insert 
and registrat in the booke of Secrete Counsell to have the strethne of
ane decreit of the Lords thairof, that letters of horning upon ane single charge of sax dayes and others executorialis necessar may pas heiron; and to that effect constitts, etc., our lawfull procurators, etc. In witnes quherof thir presents [written] be Thomas Hunter, servitour to M" James Ferquharsone, written to his Majesteis Signet, we have subscriyed thir presents [sic] with our hands at the Cannogait and at Edinburgh the twentie sext day of Marche, jœvge threttie fytte yeeres, before thir witnesseis, M" William Paip, servitour to the said noble Marques, the said Thomas Hunter, M" James Ferquharsone and Johne Gordoun of Sheilla. Sic subscribitur, Huntlye; S" Alex" Gordon; S" George Gordon; G. Gordon; Jhon Gordon; J. Gordoun; J. Gordoun; Robert Gordon; D. Farcharsone; M. J. Farquharsone, witnes; Johne Gordon, witnes; M" W. Paip, witnes; T. Hunter, witnes to the said noble Marques his subscripition. And the saids Lords discharges the former cautiou found be the Marques for the said Laird his indemnity, and the saids Lords declares that this cautiou sall be without prejudice to the said Laird of Fendraught of the generall cautiou found be the said Marques for the haill name of Gordoun."

"The whilk day, in presence of the Lords of Secreit Counsell, com-Declaration by John Grant, peird personallie John Grant, appearand of Ballindallach, and reported and declared to the saids Lords that he was informed by a letter from his wife that the persons underwrittin, viz., Johne Dow McGregour, Patrick Roy McGregour, Robert McGregour, McInstalker, and Donald McInstalker, his brother, and McArthur, being in perseute of James Grant, rebell, and his complices, and not dairry to sett upon him in respect of his forces, being sexteene or more in number and they onle sax, they attendit the opportunitie till the said James his company sould dissolve, and accordingly persewied Finlay McGrinnan and Cuming in Belrynes of Stradoun, killed the said Finlay and sent his head heir to be presented to the Counsell, tooke the said Cuming aliyve and caried him three myles of purpose to have caused exhibit him to the Counsell, bot, the countrie rising and pressaing to relieve him, they wer forced to kill him. Qhilk report being heard be the saids Lords, and the said Finlay McGrinnans head being presented before thame, they allow of the saids persons thair taking and killing of the said Finlay McGrinnan and Cuming, and findis that they have done good service therein, exonerin thame of all crime and offence that may be impute to thame for this caus.

Lykeas the saids Lords ordains the bailleis of Edinburgh to caus affixe the said Finlay McGrinnans head upon the Neather Bow port; and the saids Lords ordains Johne, Earle of Tracquisair, his Majesteis Deputie Thesaurar, to delver to the partie bearer and imbringer of McGrinnans head the soume of ane hundreth merkes in satisfactio of his hazard and charges and for encouragement of others cheerefullie to goe on in the lyke service in time coming."

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"The whilk day ane signature under his Majestie's hand conteining a commission to Sir James Lokhart, younger of Lee, and his assignes to put in execution the acts of parliament made aganis slayers and transporters of herring and white fishe contrare to the tennor thairof, being produced and read in Counsell, the Lords of Secret Counsell nominats and appoints John, Erle of Tracquair; Johne, Bishop of Murray; Thomas, bishop of Brechin; Archibald, Lord Naper; Sir Robert Spotswood of Donypace, president of the Sesioun; Sir Johne Hay, Clerk Register; Sir Thomas Hope of Craighall, his Majestie's Advocat; and Sir Alexander Strauchane of Thornetoun or anie fyve of thame to convene upon Saturday nixt at eight of the clocke in the morning and to heare the said Sir James Lokhart and the burrowes present in toun what can be alledged for or aganis the patent and tuiching the conveniencie of the same, and to report to the Counsell upon Tuisday nixt. Lykeas Fol. 71. a the patent wes delyvered to M' Alexander Guthre who wes personallie present to the effect he may impart the same to the commissioneris for the burrowes and be consulted therecanent with their assessours; and ordains the said M' Alexander to attend the committee the day and time foresaid."

"The Lords of Secret Counsell allowes Donnald Fergusarson of Monaltrie to goe home, he finding caution for his compeirance before the saids Lords upon the xvij of Junij nixt, under the pane of ane thowsand pundis."

"The Lords of Secret Counsell nominats and appointes Johne, Bishop of Murray; Johne, Bishop of Ros; Sir Johne Hay, Clerk of Register; and Sir James Carmichell, Justice Clerk; to examine Thomas Grant, prisoner in the tolbuith of Edinburghe, upon suche interrogators as shall be givin in aganis him and to report his depositions to the saids Lords upon Tuisday nixt."

[Decretis, November 1635-April 1636. Fol. 214, b.]
hands and went away thairwith. And when, as the said Mistris Elizabeth preist to oppose his violence, he violentlie thrust his elbow in her syde and hurt her verie dangerouslie, she being great with chyld, and ranne in haist to ane other roume, whither the said Mistris Elizabeth having followed him and in faire terms desyred him to redelyver the said assignation, promising if he restored the same she sould frielie forgive him this wrong, he, in furie, with manie execrable oaths, threatened her of her lyffe, drew his sword, and vowed to God if her husband entered in such a course against thame he sould thrust the same through his bodie, and desyred the said Mistris Elizabeth to prove her assignation for he would not restore the same; bot keeps the same intending to frustrat the compleuner of the soumes of money conteaned thairin." The pursuer and defender both comparing and having been heard, the Lords continue the case until the second Council day of June next. And James Lyon of Auldbar comparing personally became cautioner in 10,000 merks for the said Lord Spynie that he would appear that day and produce the said assignation "haill in itsel,uncancelled, riven or destroyed in anie poynit," and that he nor none of his causings would molest Sir Andrew Fletcher of Innerpeffer, knight, or any of the pursuers or those belonging to them; while the said Lord Spynie bound himself also to relieve his cautioner in the premises.

Complaint by Mr James Mouat of Garth, commissioner appointed by his Majesty's distressed subjects within Orkney and Zetland "for giving remonstrance to the saide Lords of the intollerable bondage and thraldom wherein his Majestyes distrest subjects of the saide countreys hes lived thir diverse yeeres bygane," as follows:—He and some famous and worthy persons joined with him made his address to his Majesty with their grievances, who, finding it expedient that an investigation into the same should take place on the spot, made choice of and appointed Sir Robert Gordon, knight, as his Majesty's commissioner for this service. But, many occasions falling out whereby Sir Robert was disabled from attending to the business, it had lain over for a long time, and the heavy hand of God lying on their countries for the past two years made the complainers forbear to follow it out. "But now it hae pleased God to offer to the complainers the occasion to waken this mater in so farre as Andrew Bruce of Mounes, the choise ringleader in all the disorders and oppressions within these bounds, accompanied with Alexander Tyrie and William Tyrie, his sister sone, declared fugitive for thift, and robberie, Mathow Robertson in , Patrick Sands, notar, John Smith, John Banks, and William Kirknes, fugitives and oppressors of his Majesties subjects, are all heir in toun, manteaned and assisted by the said Andrew Bruce, who, haveing lurked thir seven or eicht weeks bygane in Angus and Stratheire for eahewing the occasion to be warmit before the saide Lords, and thinkeing that now at the last day of the session the saide Lords would not take the paines to take notice of thir
matters, they now kythed in public and hes given out verie scandalous informations aganis the compleaner misconstruing all their proceeding as alledged buildit without ground. Lykes as the poore oppressed people and the compleaner in their name craves bot a legall and formall tryell in the country where they dwell be suche commissioners as sall be lawfullie electit and choisn to that effect and that the said Andro and his complices attending heir with him may be putt under sure band and caution for their compeirance to their tryell upon a lawfull citation.” Charge having been given to the said Andrew Bruce, John Smith, William Kirknes, Alexander Tyrie and Patrick Sands, and both pursuer and defenders being present, the Lords after hearing parties ordain the pursuer to insist against the defenders before the Council between now and Lammas next; and decern the said Andrew to find caution for his compeareance then in 2000 merks and also in 1000 merks for each of the other defenders, for whom he declared he would accept the burden; the Lords declaring that their finding themselves to be judges in this matter shall be without prejudice of his Majesty’s Commissioner for other points of the business.

“Thomas Gordon of Dilspro his protection prorogat till Lambmes nixt.”

Supplication by Sir George Ogilvie of Carnouseis and William Forbes of Tolquhon, John Ogilvie of Birnes and Walter Ogilvie of Ridhyve, his cautioners, as follows:—On his honest intention being known to their Lordships to sell his lands for satisfying the claims upon him as cautioner for his brother-in-law, the Laird of Clunie, their Lordships granted him their protection till Whitensunday next. He had bargained with some men of quality in the matter, but his unfriends wish to force him to sell his lands “for halfe nocht,” and, as the business will require some further time, he craves an extension of his protection. The Lords grant him this till 1st August next.

Complaint by George Lesk, merchant burgess of Aberdene, as follows:—Andrew Wilson in Keith, Patrick Wilson, his brother, John Wilson in , Andrew Crystie in , Robert Sherers in John Tailzeour, servitor to John Wilson in , William Ruddoch in Reidhill, and David Riddoch in Fortrie, with a great many accomplices, animated with a deadly hatred at him and resolved to have his life, assaulted him at Lammas last with drawn swords, dursks, halberts and other weapons in the town of Keith, while he was attending the market there, and would have killed him but for the timely help of some friends. Again, on 2nd September last, they assailed him in the same town behind his back at unawares with similar weapons, and wounded him on the head, shoulders and other parts of his body. The pursuer compearing and of the defenders John Wilson and Andrew Crystie also being present, the said John Wilson produced a “rolment of court of the realtitie of the barronie of Strathyla haldin at the Grange upon the
9 of September, 1634, be Thomas Innes of Pethnick, bailie depute of the said regalitie,” showing that the said John was therein accused of the blood-drawing of the said George Leake at St. Ruffus Fair, for drawing of swords and troubling of the King's market, and that the said John confessed both, notified by the hand of Walter Barclay, notary, clerk of the said court. In respect whereof the Lords ordain the said John to be committed to ward within the tolbooth of Edinburgh until they release him; but they assolzie the said Andrew Crystie, who denied upon his oath of verity any intention of invading the pursuer or anyone, but confessed having drawn a sword “to reed the saisd parties.” The Lords ordain also the remaining defenders to be put to the horn and escheated for their contempt.

Complaint by Sir Thomas Hope of Craighall, King's Advocate, and Sir James Leslie and Thomas Dalmahoy, his Majesty's commissioners for the retail of tobacco (as narrated ante, p. 462), against Patrick Broun, elder, George Broune, his son, Alexander Lesence, Thomas Lesence, Robert Dawsone, Patrick Dawsone, George Sinclair, James Andersone, elder, contravening the laws anent the selling of Fergusson, James Sandie, Robert Smith and William Lamb, indwellers in Hadinton, also Thomas Forbrand, Robert Jacksoun, elder and younger, Richard Sandie, Richard Broune and William Nisbet in Dumbar; Archibald Rynd, Thomas Deines, Edward Cunyghame, John Mure, William King, John McEane, William Alexander, John Scot, Janet Chancellor, William Menzie, Richard Dobie, Archibald Andersone, John Garnes, Jasper Suttie, Walter Borthicke, Robert McColme and Robert Black, indwellers in Edinburgh, for contravention of the said acts against the unlicensed sale of tobacco. The pursuers appearing by his Majesty's Advocate, who also appeared for himself, and the whole defenders also being present and probation being referred to their oaths of verity, the Lords assolzie such of them as deponed negative; but Archibald Rynd, John Mure, John McEane, William Alexander, John Scot, Janet Chancellor, William Menzie, Richard Dobie, and Archibald Andersone, who acknowledged that they had sold small quantities of tobacco, the Lords decree to have incurred the penalty of 100 merks each, and ordain them to pay the same, of which one half is to go to the informer and the other half to the commissioners.

Act of caution by John Gordon, elder of Buckie, and John Gordon of Edinburgh Hiltoun, his son, each for the other, that they will observe the Acts of Parliament for the maintenance of order by chieftains of clans and others, as ante, p. 477; with clause of relief. (Signed) Jhon Gordon, J. Gordounk.
The quhilk day Johne, Archbishop of St. Andrewes, Lord High Chancellor of this kinside, produced and exhibite unto the Lords of Secrett Counsell the missive letter underwritten, signed be the Kingis Majestie and direct to the saids Lords, of the quhilk the tenor followes:—

CHARLES R. — Right reverend father in God, right trustie and wellbelovit cousine and counsellor, right trustie and trustie and wellbelovit counsellers, we greit yow weill. Having upon your advertisement understood the inconveniency like to arise by the sale of Kintyre to the Lord of Dunluce, we wer thereupon pleased furthwith to cause stay the bargane wherein we doe acknowledge your care and give yow hearty thankes for the same. We being now willing that the said bargane be made so ineffectual (notwithstanding whatsoever proceedings betuix the partees), as the said lord, his airs or successors cannot thereby at any time heerafter pretend anie interest or clame to these lands, it is our pleasure that yow take suche a course as yow sal find may best conduce to this purpose, and that besides yow give order to our Advocat for drawing a renunciation in a sure and legall maner which we will to be sent with all diligence unto our Secretarie for that kinside for seing the same subscribed be the Lord Dunluce, that it may be returned registred and keeped amongs the records thairof; for doing whairof these presents soll be sufficient warrand. We bid yow heartillie farewell. 

Frome our court at Whitehall, the 25 of Marche, 1635. Quhilk missive being openned and read in the saids Lords audience and they in all submissive reverence acknowledging his Majestis royall care and his princelie and just directions and commandement mentioned in the said letter, they in humble obedience thairof intimated his royall pleasure to Sir Thomas Hop of Craighall, knight baronnet, his Majestis Advocat, and gave him inspictioun of the said letter to be advised therewith and that he might the better know his Majestis pleasure thereanent. And his Majestis said Advocat, having read and considerit the said letter in the saids Lords presence, he promisit to give all dewtfull obedience thereunto. And whereas he alledged that the sight and inspection of the contract made anent the bargane and sale of Kintyre with the Lord Dunluce would be ane great helpe unto him in the drawing up of the renunciation mentioned in the said letter, thairfor Johne Nicoll, writter to the signet, and Johne Nicoll, his sone, who wer formers and drawers up of the said contract wer sent for and, being demanded upon oath if they had the said contract or anie minuts or scrollis of the same, they both denied the having of the said contract, and, being commanded be
the saide Lords to looke out all the minuts and scrollis concerning the same and to delyver thame to his Majesties said Advocat, they promise faithfullie to doe the same."

"The Lords of Secret Counsell continewes the report of the Marques of Hultyl his diligence in the execution of his commission agains the brokyn men of the name of Gordon untill the first Counsell day of July nixt."

"The Lords of Secret Counsell continewes the passing of Sir James Lokhart his signature till the first Counsell day of Junij nixt, of the quhilk continuation the said Sir James Lokhart, John Sinclar and Mr Alexander Guthrie for the burrowes, being personallie present, ar warned apud acta. And the saide Lords requires the saide John Sinclar and Mr Alexander Guthrie to advertize the burrowes of this mater and to have their reasons readie in writt agans the passing of the said signature the day foresaid, with certificatcion to thame, if they faillie, the saide Lords will proceed without respect to the burrowes interesse."

[Sederunt as recorded above.]

Complaint by Patrick Mauld in St. Andrews, as follows:—Mr Patrick Lindsay of Wolmerstoun has long entertained a malicious grudge against him and sought all occasions of troubling him; and learning that in last the complainer's servant, James Murdoche, while going about the fields with a gun in his hand seeking hawks' meat, had been prevailed upon by a tenant to shoot a "cur tyke," which the tenant alleged had done him £100 worth of damage by pulling the tails from his sheep and oxen, the said Mr Patrick, as bailie depute of the regality of St. Androse, cited the said James before him, and fined him for not compearing, "avowing it sould cost the boy his hand." It was then thought meet in order to propitiate Mr Patrick that the boy should place himself in his will, which notwithstanding, the said Mr Patrick "avowed to have the boyes hand in despyte of all the Maudles in Scotland or England"; and Robert Lindsay, son of the said Mr Patrick, came to the tity of St. Andrews and, without any warrant, took the boy and put him in the tolbooth, where he still remains. Some friends of both parties then intervent for an amicable settlement, "and accordinglie the saides Mr Patrick Lindsay, Mr John and Robert Lindsayes, his sones, mett with the compleanners in the house of Margaret Blythe in S' Androis upon the 24 of December last, where after mutuell salutations, interchage of drinks and full reconcilement, as appeird, one of the friends proponed to the said Mr Patrick that, sieing all differences were composed, he would be pleased to release the boy. Wherunto the said Mr Patrick answered that he had done enough in drinkkeing to thame, bot for the boy all the Maudles in Scotland or Ingland, yea not King Charles himselfe, sould procure his libertie. Upon the whiche speaches the said Mr John and
Robert Lindestayes, before the compleauer was awar, shott over the board on him, closed him to the wall that he was not able to resist their furie. They cruelly persewed him of his lyfffe with tua drawin whingers and ane suorde, gave him tua bloodie wounds (for the whiche he now compleanes allenerie), a great stroke in the left arm and ane other throw the left hand, wheranent, becaus mutilation is lykeli to follow, the compleauer declares he will not insist,” protesting that this pursit shall not prejude him of his criminal action against the persons complained upon before the Justice for mutilation. The said Mr Patrick cherishes and maintains his sons in their proceedings and furnished them with weapons, having said, as the complainer is informed, at the delivery of one of the whingers, “that it had beene dipped in better blood nor the blood of anie Mauld in Scotland or Ingland.” And, further, the said Robert Lindsay “in a bragging maner with a durke at his syde casts himselfe oftymes in the compleaneers way, useing all meanes to provoke him to new trouble, for avoyding qhafariof the compleauer hes withdrawne himselfe to the Elie, contenting himselfe to seeke redresse in a peacable way before the Judge ordinair.” Charge having been given to the said Mr Patrick, Mr John and Robert Lindsay, and the pursuer compearing, also Mr Patrick and Mr John Lindsay, and the said Robert by his father, who produced a certificate that he was at the sea, the Lords, after hearing parties and their witnesses, find that the said Mr John assaulted and wounded the pursuer as libelled, and they ordain him to be warded in the tolbooth of Edinburgh on his own charges until they release him. They assolzie the said Mr Patrick Lindsay, as upon probation being referred to his own oath of verity concerning his arming his sons and uttering the “slanderous speeches” referred to, he denied the same; and they excuse the absence of Robert Lindsay in respect of his being at the sea.
PRIVY COUNCIL PAPERS.


right trusty and welbeloved counsellours, wee greete yow well.
yow concerning the sheriff-courts be holden at the town of Hamilton
yow did delay till our right trustie and right cousin and counsellour, the Marquise of Hamilton, who was then absent heard for his interest at his returne; and wee being moved therein upon consideration and having heard that it is prejudiciall to the inhabitants of Lanark, whither they should Lanark, the decision whereof yow concern the sheriff-courts of Lanark.

that was debated before Lanark, whether they should

Miscellaneous Papers.

2. Supplication by Robert Craw of West Restoun, as follows:—He is charged to appear before the Commissioners for Surrenders and Teinds to-morrow, the 8th instant, to testify to the value of the teinds of the kirk of Coldingham; and he is willing to do so but cannot with safety on account of some horrning he underlies as cautioner for Mr Alexander Home, minister at Aitoun. He therefore craves their Lordships' protection for a time. [On the back] "Apud Edinburgh, nono Januarj, 1633; Fiat ut petitur to Saterday come eight dayes at night. Lauderdaill, Southease, Traquaire, Binning, Meluill."


his son, as follows:—Their Lordships' protection granted to them is about to expire, and he has been ordained to follow out the valuation of the kirks of Coldingham before the great Commission. To-morrow is one of the diets, and on almost every sitting-day of the session he will have one diet or other about the valuation of the kirks of the priory. Moreover, on last Council day their Lordships remitted the articles given in by the supplicant anent the intromissions of Robert Dowglas with his

The original letter is torn.
estate to the Lords of Council and Session, and so he must attend upon this and other necessary business. They therefore crave an extension of their protection. [On the back] “Apud Edinburgh, nono Januarij, 1633. Fiat ut petitur till Saterday come eight dayes at night. LAUERDAILL, SOUTHESK, TRAQUAIR, BINNING, MELUILL.”

Whitehall, 31st December 1632.
Letter of his Majesty anent the trial of Mr. George Nicoll.

4. Original of royal letter respecting the trial of Mr George Nicoll, printed ante, p. 8. Marked at the foot, “xv Januarie 1633. Produced this day and ordanit to be gevin up to the Advocaat to be maid use of be his lordship in the criminnal judgement.” Addressed on the back to the Viscount of Dupplin, Chancellor, the Earl of Strathern, President of the Council, and remanent members of the Privy Council of the kingdom of Scotland.

29th January 1633.
Supplication by Robert Buchane, Burgess of Aberdeen, as follows:—
His Majesty is due to him for pears by the valuation of his Majesty’s jewellers £400 sterling, as his precept directed to their Lordships in February, 1627, and allowed by them in July following, in which they ordained the Treasurers, principal and depute, to pay the same, shows; and now there is due for additional pearls supplied to his Majesty by the like valuation, the further sum of £85 sterling. Their Lordships caused this precept to be registered in the books of Exchequer on 17th July, 1630, along with another from his Majesty of the same date, and the supplicant craves that their Lordships would now cause payment to be made to him of these sums with due interest, so that his own debts contracted on account of these pearls may be liquidated, and that he may thereby be enabled to repair to his Majesty’s Court with other pearls of price and worth. [On the back] “Apud Halyrudhouse, 26 January, 1633. Fiat ut petitur for the principall sowmee and ane act to be maid-heirupon. ARCH. ACHESON, I.P.D.”

31st January 1633.
Anent the removal of persons from the castle of Edinburgh.

6. Extract under the Signet, subscribed by James Prymrois, of the Charge to persons dwelling within the Castles of Edinburgh and Sterline, and the palaces of Halyrudhous, Linlithgow, Falkland and Dumfermeline to remove themselves and their belongings (printed ante, p. 21).

4th February 1633.
Supplication by — of Harviestoun, as follows:—He has been a long time prisoner in the tolbooth of Edinburgh, having been apprehended upon a commission granted to the Earl of Marishell, when he had a protection past his Majesty’s hand ready to have received the great seal. Having nothing of his own to maintain himself, his whole estate having been seized by his creditors, the Lord Chancellor, he is informed, long ago gave commandment to Robert Leith, chamberlain to the said Earl, to pay to the supplicant a certain sum. The said

2 Original torn.
Robert acknowledges having received the warrant but refuses to pay. He therefore craves summons against him to do so. [On the back] The supplicant while in ward.

"Apud Halyrudhous 4 Februar, 1633. Fiat ut petitur. WINTOUN, I.P.D."

8. Supplication by John Gordoun of Parke, as follows:—Their Lordships have bound him and his brother, Patrick Gordoun, over to keep the peace with all the lieges, and for the indemnity of the Laird of Bamff under a penalty of 3000 merks. There is the like necessity for the Laird of Bamff being bound over to them in the same way, and he craves that he be required to find caution of lawburrows to him and his brother in 3000 merks in their Lordships' books. [On the back] "Apud Halyrudhous 14 February, 1633. Fiat ut petitur for laborowiris allanerlie under the pane of three thousand merks. WINTOUN, I.P.D."

9. Original of royal letter relating to the writs of the late Earl of Hume, printed ante, p. 47. Directed on the back to the Viscount of Duplin, Chancellor; the Earl of Stratherne, President of the Council, and the remnant Lords and others of the Privy Council of Scotland. At the foot there is noted, "Product be the Secretar the aught of March and be him delyverit to the President of the Counsell, who, in respect the Counsell sat not that day, delyverit the same to the Clerk to be exhibite to the Counsell upon the xij of Marche instant."

10. "To all and sundrie quhome it effeiris, be it knawin that we, 1st March 1633. Letter from the bailies of Bamff ant the waring of Magnus Fraser in Stanyeley, haweing in peceable and quyet maner cum to the said burghe of Bamff for doing and expeding of his lautfull affairs and adois for the yme and being walking on his Majesties his calsay in peceable maner, as said is, Thomas Steuart, fier of Ryland, haiffing lykeways upon the said day cum to the said burghe and finding the said Magnus to be within the fredome of the same for the yme causit ane of the ordinair officeris of the said burghe apprehend and taik the said Magnus Fraser and put him in firmance and ward within the tolbuithe of the said burghe, detein him tairrintill ane certane space thairefter, and that but onye directiou comand or allowance of us or onye of us or onye uther magistrat or office beirer within the said burghe haweing power for that effect, and but letters of captione or onye wther warrand of his Majesties lawes direct to that effect in sa far as we culd truye and understand, and held the said Magnus in firmance, as said is, till the samen came to our knawleage, at quhat yme and efir sufficient tryall talkin of the premisses we releiset the said Magnus out of ward and set him at libertie agane as ane of his Majesties frie
leiges. In faith and witness quheroff (testefeing the premises to be of veritie) we haif subscryvit thir presentes with our handis at Banff the first day of Merche, the yeir of God jv^9 and threttie thrie yeiris." (Signed) "A. Baird, ballie; Alex^7 Wychnester, balliwe; J. Wychnester cls."


12. Bond of caution of lawburrows by Patrick Leith of Boigholls in 1000 merks for Normand Leslie of Tolloch that the latter will not molest Adam Abirrumbie of Auld Rayne in terms of the previous letters, dated at Halyrudhous, 26th January, 1633, with clause of relief. Written by Walter Wallat, servitor to the said Norman Leslie, and dated 7th March, 1633; witnesses, Robert Spence and George Spence of Tollsach. On the back is warrant by Thomas Sandilands, as procurator, for registration in the books of Privy Council of the bond, which is presented by Mr Robert Petrie; dated 21st March, 1633.

13. Bond of caution by George Leslie, burgess of Aberdeen, in 1000 merks for Mr Andrew Logy, parson of Rayne, that he will not molest Adam Abirrumbie of Auld Rayne nor any of his, in terms of summons before the Lords of Council, dated at Edinburgh, 26th January last; with clause of relief; dated at Aberdeen, 8th March, 1633; witnesses, George Leslie, sometime of Cachie, William Forbes, son of Abraham Forbes of Blacktoun, and John Donnaldson, notary in Aberdeen, who wrote the bond. (Signatures) On the back is warrant by Mr. Robert Burnett, advocat, as procurator for the parties, for registering the bond, which is presented by John Litiljohn, his servitor, at Edinburgh, 14th March, 1633.

14. Summons at the instance of Mr James Simson, and Mr Robert Dowglas, ministers at Kirkaldie, and Alexander Law and William Williamsoun, bailies of Kirkaldie, against David Bennet, as follows:— They are charged by their Lordships' letters at the instance of the said David Bennet, under pain of horning, viz., the ministers to require the said Alexander Law and William Williamsoun, and Law and Williamsoun thereupon "to repaire to the kirk of Kirkaldie upon ane Sunday in the tyne of sermon" to acknowledge their slandering of the said David Bennet and crave pardon from God and him for the same, within six days; and the said David intends to execute the horning against them for their alleged disobedience. Now in this he acts wrongfully, for the decree of the High Commission of the Kirk, upon which these letters were raised, was given when they were in treaty with the said David to
pass from a process intended by them against him before the Lords of Council and Session for making of false bands, which would have cleared the alleged slander. If they had known that he would steal forth such a decree against them they would have proved the same before the High Commission and showed that they had done no wrong to him, because in August last, when the said Alexander Law and William Williamsoun asked John Hagie, skipper in Dysert, if he had in his keeping two bonds granted to him by one of his creditors drawn up by the said David Bennet, and if they were forged by him, he answered that they were true bonds and that he had them, upon which they took instruments in the hands of George Lambie, notary. They have further recovered decree against the said John Hagie before the Lords of Council and Session for exhibition of the said bonds, dated 22nd February last, so that until this matter is tried they cannot be convicted of slandering the said David. Further, they are informed that the Archbishop of St. Andrews is to give order for discharging the booking of that decreet of the High Commission, which did not require the ministers to cite the said Law and Williamsoun but only ordained the latter to confess the slander when required by the ministers. They have, however, found caution, and crave suspension of the horning. The said David Bennet is accordingly required to comppear before the Lords on 4th June next and to produce the letters of horning, etc. Dated at Halyrud hous, 14th March, 1633. (Signed) J. EYMBRO. [On the back] Note of execution hereof on 25th May, 1653, by Thomas Allane, messenger, against the said David Bennet, at his dwelling house in Kirkcaldy; witnesses, Mr John Aytoun of Kynaldie and Thomas Meassone in Kirkcaldy. (Signed) Tho. Allane, mess'.

15. Another paper on the same matter discussing the case and Anent the stating (1) That the charge against the said ministers is most informal in charging them to require the said Alexander Law and William Williamsoun to repair to the parish kirk of Kirkaldie "upon ane Sunday befor none in tyme of sermouns," etc., seeing the decreet of the Commission only requires them to do so after the afternoon's sermon; and though the charge was formal yet can not the said ministers oblige or urge any party to confess a scandal or crave pardon unless by an ordinance made in their own Session or Presbytery, especially seeing the said ministers were neither called before the High Commission nor cited before the Lords of Secret Council to see themselves decerned to do so; (2) It is also informal against Law and Williamson inasmuch as they were only ordained to confess, etc., on being required so to do, and this they have not yet been, and David Bennet cannot prove the contrary nor produce the said ministers' certificate of their disobedience; and (3) Though Law and Williamson may have slandered the said David Bennet in calling him a false knave and a maker of false bands and obligations,
still should they not be required to crave pardon therefor till the issue
of their action before the Lords of Session against John Hagie, skipper
in Dysart, who has in his possession two false bands made by the said
David Bennet, and against the said David Bennet for his interest, com-
menced on 22d February last. They have raised horning and caption
against Hagie for disobedience, which he has by collusion with Bennet
suspended, and they intend to discuss the same with all diligence.

16. "The dittayis gien in to our sessioun off Sanday the 17 day off
March, j"m"vj" threttie and thrie yeiris, upon Marrione (Richart) Layland
off wirchraft.

The qhilk day annent the tryell off James Fischer, the said
Marriones oy, that qhair the said James Fischer confessit and told befoir
the sessioun that upon ane sax or sewin yeir since that the said James
being keipin Magnus Smyth his suyne and going upe along ane old
house, callit the house of Howing Greinay, the qhilk old howse being
standing woyd and weast and the wather being cold and stormie,
the said James went in to the said old house to fee from ane cold
shawr and quhen he cam in to the old house he saw the said Marrioun,
his guiidome, sitting within the fornament old howse, accompanied with
Cattrein Miller, and deponit that he did sic ane blak man siting betuixt
the said Catrein and the said Marrione and deponit that the said Catrein
cryit fearcelie, 'Cause take him for he will tell upon us;' the said Marrioun
answerit and said, 'Let him allone for he will not be beleiwit.'

Item, itt is deponed be Margrett Sinclar, spous to James Fea, that
that nightt that tha wer in the stockis Catherine Miller said to Marion
Layland, 'The plague of God upon thy oy, for giff yow had done that
qhillik I bad ye he had not beine troluing us now!'

Lykewayis the said Marrioun Layland did wasche the feit of James
Davidsones cat into his bait water becaus he could not get no fisch
that yeir thinking thairby and saying that the said James in tyme
coming wold get more fisch in respect off hir work in wasching off the
catis feit into his bait watter; and quhen scho had waschin the cat thairin
did take the water quherin the cat was waschin and did cast it after him
quhen he did goe to the sea.

Lykewayis the xxiiiij day off March Magnus Smyth deponit that the
boy presentlie upone the morning thairafter told the said Magnus
that he did sic the dewill and told him the quhole faschioun. Lykwayis
the samen day David Jock and his wyff tryitt and confessit that upon
fyre or sax yeir since that the said Marrioun cam to the said David Jok
his house and the said David was going to the sea and was making mone
that he had not luck to get fisch that yeir. The said Marrioun answerit
and said that that might be essillie mendit and callit for the thing that
geid about the fyre qhilk was the cat and said that scho wold wasch
the cat his head and feit into the water quharin the bait was to be leipit
and said that scho wold take that watter and cast itt about him and
upon him and into his sea caschie and into his bait coubbie and quhen
he cam to the sea he should get fischh.

Farther, it is deponit be Margret and Elspet Sandisones that the said
Elspet upon fuye or sax yeir since contrakt ane deadlie disease in so to be true.
farre that scho was senseles and myndles for ane long speace, the said
Marrione cam to the said Elspetis house and made ane watter quhilk
scho callis ane remeddie for forspeaking. The said Marrioun tuik watter
into ane round coupe and went out into the byre and tuik sumthing out
off hir purse lyke unto great salt and did put it into the watter and did
spit thrie severall tymes into the watter, and scho confesit hersellf quhen
scho had done so scho aundit in bitt quhilk is ane nurrie terme and to
[be] exponit into right longuag is also mikill as scho di blaw hir breath
thairin, and sent it into the woman with the servant woman off the
house, and directit that the woman should be waschin hand and face
thairin and scho should be restorit to hir health againe. This the said
Marrioun confesit befor the session and it is grantit be the woman
that the watter was made unto, that the said Marrioun said unto the
lass that iff ever the lass reveillit it againe scho should never thryve and
so schune after that the lass reveillit the wordis scho diet.

Quhilk day it is confesit be Robert Drewer and his wyff that Abusing of the
threteen yeir since the said Marrioun and Robert Drewer was duelling
both at ane house and ane biging, that their was ane powr woman that
was travelling off chyld in the said Marriones house and desyrit ane
soupe off milk from the said Marrioun, quhilk in no ways the said
Marrioun wold grant. The pure woman sent in to the said Robertis
house and got ane soup off milk from his wyff and immediatlie therefter
the said Robert his wyff lossit hir proffit off hir haill milk. Quherfor the
said Robert Dreweris wyff cam in to the said Marrioun Layland and
did lament for hir profeitt that scho wantit. The said Marrione answert
the woman and said, ' Goe thy way to the sea and tell nyne boares off the
sea come in, that is to say, nyne waves off the watter and let ane off the
nyne goe back agane and the nixo therafter take thrie luiffullis off that
watter and put within thy stowpe and quhen thou comes heame put it
within this kirne and thou will get thy profeitt agane.'

The last day off March compeirit Helin Hamiltoun, spouse to James
Keith, and deponit that scho and hir haill famillie was straitit with drotch
for the space of xx daysis ore ane monnth that no drink could quench
thar drotch, quharfor the said Helin and hir husband alledgit the said
Marrioun for the great thirst that they had. Upon ane Sunday the said
Marrioun cam to the said Helines house and had ane muchkin off small
aill with hir into ane chapping can and offerit it to the said Heline and
hir famillie to drink, and the said Helin refusit to drink it; bot the said
Marrioun urgit it more and more upon hir and said that scho had ane sonsie
hand and hir mother befor hir day and made everie ane off thame to

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drink thairoff, and immediatlie thairafter thair thrst was easit and the heavis wycht that was upon them was easit during the tyme off thair thrst and drouth.

The samen day William Fotherg benorth deponit be him that the said Marrioun cam to his house to get almis, and his wyff, not being at leasur to guve hir almis, scho went to the dore and did say going to the dore that scho should loss alse mikill schortlie, and aught dayis after that his best cow diet.

Quhilk day deletit be Margret Thomson, spouse to James Rowsay, to James Cok in Lopnea, Nicoll King and Magnus Skea, quhilck are thrie elderis off our sessioun, that the said Marrioun cam to Stronsay to the said Margretis house, and the said Margret had nyne ky quhilck was not riddin, and scho said to hir, ‘Gewe me almis and befoir this day fyrtin dayis ilk kow on your aught sall be riddin, quhilck almis scho gave hir, and befoir that day aught dayes ilk kow that scho had was riddin.’

The 7 day off Aprryll, jth of the threttie and thrie yeirs, quhilck day annent the dittayis off wichecraft given in to the sessioun upoun Catrein Miller compeirit Hew Peace and Wrsualy Fea, his spowse, and deponit that upon ane sax yeir since that the said Wrsualy wantit the profetit of hir milk and the said Wrsualy sent hir servait woman and milkit the said Catrein Milleris kow and did put in to hir kirne and immediatlie quhen scho kirnit the milk scho got ix markis butter quhar befoir off alse mikill milk alse mony dayis milk alse mony mealtitis off milk during the tyme that scho wantit hir profit did not get bot tua markis butter and quhen scho had the best scho got not bot tua markis butter ay and quhill that scho got the milk off hir cow. And four and xx hours after the said Wrsualy contrakit ane deadlie disease quhilck conteinuit for the space off sax weiksis and at the end off the sax weiksis the said Marrioun cam to the said Wrsualy and desyrit ane drink off milk frum hir kirne and said if scho got it scho should get hir health, and scho gave hir ane drink off milk and scho was presentlie better off hir disease, and lost the profit off hir milk and wantis itt as yitt.

Farther deponit be Margret Orrok, lauffull daughter to William Orrock, that the said William had ane horse quhilck was seik; the said Catrein bad the said Margret get thrie sundrie sortis off silueris and put them within ane siwe and sift them over the bak off the horse, quhilck wes seik and he would be haill.

The 14 day of Appryll, 1633. Deponit be Barbaray Sinclair, spouse to the said William Orrock, that scho had ane kow that was standing haill into the byre and the said Catrein cam in to the said Barbarayis house to cnok sum bair, and presentlie the kow fell seik; quhen scho gied away with the corne that scho was knoking and the word did ryse that the kow was seik the said Catrein cam to the house
and quhen scho cam in and saw the oow scho was restorit to health againe and did eat her meat weill eneugh.

The 19 day of Appryll. Deponit be Margret Browne, spouse to William Flet, that quhar the said Margret discordit with Catreine Miller the said Margret contrakit ane deadlie diseas and scho said to the said Margret, ‘Evill might thow put the yeir aff the.’ Thairefter scho contrakit ane sensleenes quhilk continuit for the space off ane half yeir and at the half yeiris end the said Margret cam to hir and the said Catrein tuik her by the hand and immediatlie got hir health and ay since was weill.

The samon day compeirit Catrein Sowenis and deponit befor the sessione that the said Catrine Miller wrongit hir in respect that scho found fault with hir becaus scho did tak keall out off her maisteris yaird and hir daughter did tak keall out off the yaird and did goe hame to Catrine Milleris hourse with the keall and told hir mother that the said Kaitrine Souanes fand fault with hir for takeing awa off the keall. The said Catreine Miller sent hir daughter bak to the house with the keall and did caste the keall upon the said Catrine Sowenes breist, being nurisch to Johne Browne in the tyme, and presentlie scho losit hir milk for the space of xiiij days, and at the ischow off the xiiij dayis the said Catrine Miller cam to the house quhar the nurisch was and told the guid wyff off the house that scho had dreamit that iff scho wold gwe hir daughter almis the nurisch shoulid get hir milk againe, and quhen scho got almis scho got hir milk againe als weill as it was befoir.

The samon day compeirit David Peace and deponit that the said Catrine Miller had ane sone keiping his ky and becaus that he did put away the boy frome the ky scho said that he should rew it; and immediatlie ane off the ky dieit and schort after the rest dieit also.

The 21 day off Appryll. Deponit be James Fea, bailyie, that the said Catrine Miller had ane sone keiping Johne Browne his ky and guidis, and the boy was put from the guidis and scho did curse and pray swill for the guidis, and thairafter the most pairt off them dieit and the rest that leiwit did never guid not yit yeild milk since the boy ged from them. Farther it is deponit be Wrsulay Fea that the said Catrein Miller cam in to Hew Peace hir husbandis house and did pray swill for John Brownes guidis and said, ‘God let his guidis newer thryve better nor hir sone did.’

Quhill day deponit be Jennet Fotherg, spouse to Johne Peace, yownger, that quhar the said Jennet was angrie with hir for comming so earlie ilk mornning to hir guidmotheris house befoir the sone ryseing, presentlie the said Jennet falis into ane extraordinarie diseas so that scho might not goe out off hir guidmotheris house into hir awin house, quhilk was both close togidder, bot did creip upon handis and feit quhill scho cam to hir bed; and the said Catrine cam in to hir and did lay hir
hand upon his head and did cause give him ane sowpe off milk and sacho Misscellaneous Papers. grew also well and in also guid health as ewer sacho was befoir, and all this was dune within the space off tua houis.

Farther deponit be William Roy, elder, that the said William discordit with him and sacho did strik him upon the back betuixt the shoulderis with his hand and presentlie the power off his body was takin away in so farre that he could not [do] no duetie off ane man towards his wyff quhar tua nightis befor he was also ape and abill for his wyff as ewer he was befoir and neuer since the discord was weill as he should be.“

17. Bond of caution by Thomas Gordoun, brother german of the Baron of Brachley, in 1000 merks each for George Leithe of Owerhall and Alexander Leithe of Newton of Premney, that they will not molest Adam Abircrombie of Rayne, nor any of his; with clause of relief, dated at Edinburgh, 26th March, 1633; witnesses, Alexander Gordoun of Abirzeldse, Mr William Burnet, James Brown, and John Burnet, writer of the bond. [Signatures] On the back is a warrant dated at Edinburgh, 27th March, 1633, signed by Jo. Falconar, for the registration of the bond in the books of Privy Council.

18. Original of royal letter for Captain James Forbes raising two hundred men for the Russian service under Sir Alexander Leslie, printed ante, p. 80; addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Stratheren, President, and remanent Earls, Lords and others of the Privy Council of Scotland.

19. Summons at the instance of Alexander M'Claine and others against Patrick Agnew of Barmailly and others, as narrated in his complaint printed ante, p. 181. The summons is dated at Edinburgh, 28th March, 1633; but there must be a mistake in the month. It is signed Ja. Prymrooie. On the margin is noted the hearing of the case on 14th January, 1634, and on the back there is noted the depositions of some witnesses, viz.:

John Maxwell, who depones that he knows the whole defenders and pursuers and saw Patrick Agnew strike . . . (torn) . . . and “cast him to the ground, tir him of all his clothies and tak his purse . . . . . deponis that Patrik Agnew, his servand, weares the poore manis clothies.”

Robert Maxwell, who depones that he knows the defenders, “and saw them . . . . M'Clayne, who was lying bleeding, having sevin strakis upon the head.” He was not present when he was stripped, but heard of it.

John M'Robert and John M'Connoquhy depone similarly.

3rd April 1633. 20. Summons at the instance of Magnus Fraser, sometime in Stanley,
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and others against Thomas Stewart, sier of Ryland, as narrated ante, p.180; dated 3d April, 1633, and signed Ja. Prymrois. On the margin is noted the hearing of the case on 14th January, 1634. On the back there is noted the depositions of witnesses, viz., of (1) John Gill, who saw Thomas Stewart and others take the said Magnus and put him in ward, there being no bailie or officer present.

(2) George Davidsone, who depones "that ane other officer without the warrand of a baillie, came to the deponens house, tooke furth thairof the key of the tolbuith and put Magnus Fraser in ward; upoun notice quhairof the baillies were heighlie offended and caused put him quicklie to libertie."

(3) Thomas Smyth, who depones that he saw Magnus Fraser taken "aff the calsay," and put in the tolbooth.

(4) James Myntie, who depones that as to the casting down of John Wallace's house, he was required to do so by Thomas Stewart and his father, whose officer he formerly was, and that accordingly with the assistance of some others he did "tir the house."

(5) James Miln, who depones that he was present and helped at the casting down of the house, which was done by direction of Thomas Stewart and his father.

(6) Walter Couper, who depones that the house was tirred by the command of Thomas Stewart.

(7) Alexander Shireff, who depones that he saw the persons foresaid tirring the house.

There are also noted on the back of the summons two executions thereof by William Cumyn, messenger, (1) on 24th December, 1633, against Thomas Steurt of Ryland and Archibald Gabriell in Dewchriest, both personally apprehended in the dwelling house of Dewchrie; witnesses, John Gordoun in Barbethill and James Gibboun, servitor to the messenger for the time; and (2) on 30th December, 1633, against Alexander Shirray in Craighed, Walter Steurt in Ryland, Patrick Seller in Muriehill, James Alschier, there, James and Alexander Mintie, sons of James Mintie, elder, there, as witnesses on behalf of John Walace; also, the bailies of Banff as one of the parties; and Thomas Smythe at the Mill of Ryland, Patrick Gill in Blacktoune of Ryland, George Davidsone, officer in Banff, and George Turnour, Alexander Ritchie and James Mitchell, burgesses there, as witnesses on behalf of Magnus Fraser, all personally apprehended; witnesses, James Steurt of Ryland, James Mintie, elder, there, Patrick Schand, burgess of Banff, and the foresaid James Gibboun.

22. Original of royal letter in favour of Nicolas Briot, Frenchman, printed ante, p. 108 ; directed on the back to the Viscount of Duplin, Chancellor, the Earl of Airth, president of the Council, and the remanent Lords and others of the Privy Council.

23. Bond of caution by William Erakine of Craiksalay for Mr Alexander Straquhan in Forbogis and Alexander Bruntheld in Pettod that they will not molest Adam Abercombie of Auld Raine, his wife, nor household, under the penalties contained in the letters given out there-mentioned which are dated at Edinburgh, 26th January, 1633. The bond is dated at Pettodrie, 19th April, 1633; witnesses, George Meldrum, servitor to the Laird of Pittodrie, John Gordon, son of the deceased Patrick Gordon of Birsmoir, and Mr Gilbert Thom, schoolmaster at Pettodrie, who wrote the bond. [Signatures.] On the back is a warrant for the registration of the bond in the books of Privy Council, dated at Edinburgh, 26th April, 1633, and signed M. J. Sandilands.

24. Act of caution by James Crawfurd, goldsmith, burgess of Edinburgh, in five hundred merks for William Hog in Plesance, that he will not molest James Dowglas, one of the macers of Privy Council, Katharine Gilbert, his spouse, nor his children, servants, etc., dated at the Plesance, 2nd May, 1633; witnesses, James Millar of Gourlay-banks, Mr James Carmure in Edinburgh, and John Mur, burgess, bailie of North Bervick, Gabriel Blair, notary, being writer of the bond. [Signatures.] At the foot is a warrant for registration in the books of Privy Council by Mr John Paip, younger, advocate, as procurator, dated at Edinburgh, 4th May, 1633, and the bond is presented by Mr John Callender, servitor to James Prymrois, clerk of Council.

25. Bond of caution by Thomas M'Caw in Arneschein and John M'Caw in Craignac, his son, in five hundred merks for each other, that they will not molest Hew M'Caw in Casteldonnell, nor his wife nor any of his; dated at Mayboill, 7th May, 1633; witnesses, Patrick M'Ilvane, bailie in Mayboill, John Cochrane, son of John Cochrane, messenger there, John Aird in Gaige, and Adam Hendersoun, tailor there. The principals sign with the assistance of John Schaw and John Cochrane, notaries. [Signatures] On the back is a warrant for the registration of the bond in the books of Privy Council, dated at Edinburgh, 28th May, 1633, and signed M. J. Sandilands.
26. Bond of caution by Mr John Macmillen, minister at Sanquhar, and Thomas Greirsone in Manes, in £1000 each for the other, that they will not molest Robert Creichtoun of Blakquarter of Blakadie, nor his wife or any of his; dated at Sanquhar, 14th May, 1633; witnesses Thomas Blaik, notary in Dursdeir, John Creichtoun, notary, who wrote the bond, John Diksone, Burgess of Sanquhar, and Archibald Chisholme, schoolmaster. [Signatures] At the foot is a warrant for registration of the bond in the books of Privy Council, dated 20th May, 1633, signed by M. J. Paip.

27. Original of royal letter for admitting the Duke of Lennox as a member of Council, printed ante, p. 104. Addressed on the back to the Viscount of Duplin, Chancellor, the Earl of Airth, president of the Council, and remnant lords and others of the Privy Council of Scotland.

28. "At Halyruideous, the 28 day of May, 1633. In presence of George, Viscount of Dupline, Lord Leigh Chancellor; William, Earle of Mortoun, Lord Thesaurie; Patrik, Archbishop of Glascu; Thomas, Earle of Hadintoun, Lord Privie Seale; Johnne, Earle of Launderail; William, Viscount of Air; Johnne, Lord Steuart of Tracquair, Thesaurie depute; Sir Johnne Hay, knight, Clerk of Register; Sir James Skeene, knight, President of the Sessiou, examinat and demandit ye wald name ony otheris nor ar containit in his first depositiou frane whome he hard the speeces gevin up be him under his hand to the Kingis Majestie concerning the speeces alledgeit utterit be the Earle of Airth, that he had als goode right to the crowne as his Majestie had,—deponis that he hes hard that the Lady Mar, the Lord Erskene, the Lord Semple, Sir Walter Steuart of Minto, the Laird of Auldbar, the Archideane of St. Androis, Mr David Prymris, the Lord Ros, hes spokin thir wordis as haying thame of the Earle of Airth himsell, at the least wordis to this sense; and the said Sir James protestit that incaise ony of the persons abovewritten nominat be the said Sir James denyis to haif hard the saidis wordis frome the said Earle the same salbe without ony peril or danger to the said Sir James, whiche protestation the Lordis Commissionaris abovewritten admittit. (Signed) S' J. Skene.

"The qhilk day the said Sir James Skeene, knight, having rememberit himself anent the persons whome he hard haif reportit the speeces abovewritten deponis under the protestation abovewritten that the Earle of Galloway hes spokin the wordis abovewritten or wordis to that sense. (Signed) S' J. Skene."

29. "Intrat upon pannell Marion Richart, alias Layland, for the 26th May 1633. pointis of witchcraft, sorcery, and divination, and utheris underwrittin. In the first ye, the said Marion, ar indyted and accused of contra-
veining the tenour of the Act of Parliament maid be our umquhile dread
sovereane lady Mary be the grace of God Quein of Scotland with the
adyse of hir thrie Estaites in hir ny nth parliament that quher they
being informit of the hevie and abominable superstition used be divers
of the leidiges of this realme be using of wichcraftis, sorceries and negrom-
cie, and credence givin thairto in tymes bygane, againes the law of
God, and for avoiding and away putting of all sic superstition in tymes
cuming it was statute and ordainit be the Queines Majestie and thrie
Estaites forsaid that na persone or persone of quhatsomewer estait, degrie
or condition they be of, tak upon hand in any tymes thereafter to use any
maner of wichcraftis, sorcerie or negromanie, or give themselvis furth to
have any sic craft or knowledge thairof, thairthrow abusand the people,
under the paine of death. And trew it is that ye, the said Marion, have
contravained the tenour of the said act be using and practising of wich-
craftis, sorceries and divinationes, and of giving of yourself furth to have
sic craft and knowledge, and in keiping companie and society with the
devill, and thairthrow abusand the people at diverse and sundrie tymes
and places in maner following, and therfor and for airt and part of
the said abominable superstition used and practised by yow aught
and sould be adjudged to the death: And in speciall ye, the
said Marion, are indyted and accused for airt and part of
the said abominable superstition for that sex or sevin yeiris since James
Fischer, your oy, being keiping Manse Smythis swyne, went up into ane
auld hous called the house of Howing Gremay to saife himselfe from
a colde shower that was raining and quhen he cam in to the saide old hous
he saw yow and Kathereine Miller sitting thair and the devill, in liknes
of a black man, sitting bethuixt yow, and the said Katherine cryed fearclie
' Tak him for he will tell upone us;' bot ye wold not suffer and said, 'Let him
alone for na body will beleive him.' And upon the morning thereafter the
said James, your oy, told Manse Smyth, his master, that he had seine yow
and Katharine Miller and the devill together in the old hous. And
lykways that night, whilk ye and the said Katherine wer in the stockis
befor your now cuming to the toun, the said Katherine said unto yow,
' Yea, plaige of God upon thy oy, for if thow had done to him that quhilk
I baid the he had not bein troubling us now;' quhilks pointis will be
sufficiently provin and therfor rank wicth cannot now deny.

Secondly, ye, the said Marion, are indyted and accused for airt and
part of the said abominable superstition in that fyve or six yeiris since
Elsbeth Sandesone contractit ane hevie disease in so much that sho was
quyt bereft of all hir sences for ane long space, ye, coming to the said
Elspethis hous, made ane water quhilk ye call ane remedie for forspeaking
and tooke water into ane round cope and went out into the byre and
took sumthing out of your purse lyk unto great salt and did cast therin
and did spit thrie severall tymes in the same and ye confess youselfe
when ye had so sundit in bitt (quhilk is ane norne tearme), that is to say,
ye blew your breath thairin; and thairafter ye sent it to the said Elspeth with the servand woman of the house and bad that the said Elspeth sould be waschin tharin, hand and feite, and scho sould be as heall as ever sho wes; as also ye said to the servant woman that ye send with the water that if scho told it agane scho should never thrive, and so soone after as scho reveilit it scho died, qhilk death was fraught be your deid, and qhilk also ye confest before the session at Sanday and therfor rank wich cannot now deny.

Thridly, ye, the said Marion, ar indyted and accused for airt and part of the said abominable superstition in that ther wes a poore wyfe with yow who wes travelling of cheild in your hous and desyred a sope milk with yow, qhilk ye on nawytes wold give; therfor the said poor woman sent to Robert Dreveris hous (qhilk wes in that same bigging) to get a sope milk qhilk the said Robertis wyfe sent unto hir; and immediatlie thairafter the said Robertis wyfe lost the profeit of hir wholl milk. Qhobarfor she cam into yow and did lament for her profeit that she wantit. Ye ansuerit and said, 'Go thy way to the sea and tell nyne boares of the sea cum in, that is to say, nyne waves of the sea, and let the hindmost of the nyne ga back againe and the nixt thairafter tak thrie loofullis of the water and put within thy stoupe and quhen thow comes home put it within thy kirme and thow will get thy profeit agane;' qhilk ye, rank wich, cannot also deny.

Fourthlie, ye ar indyted and accused for airt and part of the said abominable superstition in that Helein Hamiltoun, spous to James Keith, and all hir houshold being straited with dreuth for the space of twentie dayes or ane moneth that no drink could quench the same, and the said Heleine and hir husband alleging yow for the great drew that they had upon ane Sunday ye cam to the said Heleines hous and fetchit with yow ane mutchkin of small all in ane chopping can and offerit it to the said Heleine and hir familie to drink, bot the said Helein refusit to drink it, bot ye urgit it more and more upon hir and saide, 'I have ane sonsay hand and my mother befoir my day;' and made everie on of them to drink therof, and immediatlie before the nixt Sunday thair thrist was eisit and the heavy weight that wes upon them the tymre of their great thrist and dreuth wes takin away, qhilk ye, rank wich, cannot also deny.

Fyftly, ye, the said Marion, ar indyted and accused for airt and part of the said abominable superstition in that ye cam to William Fothringhame his house benorth to get almis, and his wyf not being at pleasure to give yow alms ye went to the dure and sayde, as ye went, that schie should loss als meikle schortly; and aught dayes after that his best kow died, qhilk wes done be your deid, qhilk ye, rank wich, cannot also deny.

Sextly, ye, the said Marion, ar indyted and accused for airt and part of the said abominable superstition in that ye cam to Stronsay to Margrat Thomesones hous, and the said Margrat had nyne ky qhilk wes not
ridin and ye said unto hir, 'Give me almis and befoir this day aucht dayes ilk kow on your aught sall be riddin;' quhilk almis ye resavit from the said Margrat and befoir that day aught dayes ilk kow that she had wes riddin quhilk fell out even according as ye spakil, quhilk ye rank witch cannot also deny.

Seventhlie, ye, the said Marion, ar indyted and accused for airt and part of the said abominable superstition in that ye did wasch the feit of James Davidsonsone kat into his bait water becaus he could get no fisch that yeir, saying that the said James in tyme cumin wold get more fisch in respect of your work in wasching of the cates feit in his bait water; and quhen ye had waschin the cat thairin ye did tak the water wherein the cat wes waschin and did cast it out after him quhen he did go to the sea, quhilk point, ye, rank wich, cannot al also deny.

Eighthly, ye, the said Marion, ar indyted and accused for airt and part of the said abominable superstition in that about fyve or six yeires since ye cam to David Jokis hous who wes going to the sea and wes making moane that he had gottin no fisch that yeir; ye ansuerit and sayde that might be easily mendit, and called for the thing that geid about the fyre, quhilk wes the cate, and said that ye wold wasch the cates heid and feit into the water quherin the bait wes to be leipd and said that ye wald tak that water and cast it about him and upon him and into his sea caschie and into his bait coubie, and quhen he cam to the sea he sould get fisch enoch, quhilk ye, rank witch, cannot deny.

Attour, ye ar indyted and accused for airt and part of the said abominable superstition in that ye cam to Stronsay about tua or thrice yeires since in sumer and asking almis fra Andro Couper, skipper of ane bark, he said to yow, 'Away wich, carling, devill a farthing ye will fa;' quherupon ye departed very offendit. And, incontinently, he going to sce, the bark being under saill, he ran mad and wold have luppin ovrirbud an his sone, seing him, gat him in his armes and held, quherupon the seiknes imediately left him and his sone ran mad. And Thomas Paterson, seing him tak the madness and the father to turne weill, ane dog being in the bark, to[oke the] dogg and bladded him upon the sone his shoulders and thereafter keist the said dog in [the sea], qubaryh these in the bark wer saifed, quhilk being done all the doggers at the sey . . . landlyeris for feir gave yow abundantly, quhilk all wes done be your witchcraft and . . . quhilk ye cannot deny.

And genneralie ye ar indyted for airt and pairt of using and practising of witchcraftis, sorceries, divinationes and charmis, as is particularis abovewrittin, and giving your selfe furth to have sic craft and knowledge, thairby abusing the people, and that by your cursingis and impracationes ye wrong and hurt man and bezt, quhilk evill ar brocht to pas be the power and working of the devill, your master, and therforth aught and shoulde underly the law and be adjudged to the death thairfoir and in exampill of utheris to do the lyk.

CURIA LEGITIME AFFIRMATA.

Compeirit the procurator phiscall and producit the dittayis and desyrit the pa[nnell to be] accusit thairupoun and be put to the tryell of ane assyse. Pannell [present] denyit the first verefeit; confessis the second anent the watter and that scho tharin . . . . the child, confessis scho gave the drink, denyis the fyft, confessis the sext, d. . . . . and viij and nynt.

The pannell hes nothing to allege, quharfoir theyould not pas to the t[ryell] . . . . assyse and the procurator phiscall askit actis.


The haill assyse, all in ane voice, be the mouth of the chancellar fyllis the pannell in the first, the secong anent the watter and chairme, the thrid, the sext, the aught and nynt, and clengis hir of the fourt, fyft, and sevint poynitis, and referris sentence to the judge and dome to the demstar. (Signed) JEROME CHALMER.

The judges acceptis the determinatioun of the assyse and deferris sentence to the morne.

PENULTIMO MAI 1633.

The judges ordains the pannell to be caryit be the lockman to the Gallowhill worrityt to death and brunt to asches."

[On the back] “Gevin up be Mareon Leyland, Cristiane Davidsone, spous to Williame Harper, that took girs and bwik a bannok and gaves to the goodman of Papa his grieve quha diet and the dog that got the bannok diet. The bannok wes for keping thair profite.

Elen Forster (?), spous to James Burgar, can mend baith the heart-raike and odinschaw and put doun horses to the goodman of Langkaill.

Magnus Smyth for mending the rake.”
30. “Intrat upon pannell Kathereine Greive, alias Miller, for the pointis of witchcraft, sorcerie and divination and utheris underwrittin.

In the first ye, the said Katherine, are indyted and accused for contraveining of the tenour of the act of parliament maid be our unquhile dreed soveraine, Lady Mary, be the grace of God Queine of Scotland, with the advys of hir thrice Estaites in her nth parliament, that quhar they, being informit of the hevy and abominable superstition used be diverse of the leidges of this realme be using of witchcraftis, sorceries and negromanie and credence givin tharto in tymes bygone, againes the law of God, and for avoiding and away putting of all superstitio in tyme cuming it was statute and ordainit be the Queines Majestie and thrice Estaites forsaid that na persone or persones of quhatsumever estaitt, degrie or condition they be of tak upon hand in any tymes therafter to use any maner of witchcraftis, sorcerie or negromanie or give themselvis furth to have any sic craft or knowledge thairof thairthrow abusand the people under the paine of death; and trew it is that ye, the said Katherine, have contravained the tenour of the said act be using and practising of witchcraftis, sorceries and divinationes and in giving of youself furth to have sic craft and knowledge and in keeping company and society with the devill, and thairthrow abusand the people at diverse and sundrie tymes and places in maner following, and therfoir and for airt and parte of the said abominable superstition used and practised be yow aught and sould be adjudged to the death.

And in speciall ye, the said Kathereine, are indyted and accused for airt and parte of the said abominable superstition, for that sex or sevin yeires since James Fischar, oy to Marion Richart heir pannelled with yow, being keipin Manse Smythes swine, vent up int o ane auld hous called the hous of Howing Gremay to saife him selve from a cold schowir that we saining and quhen he cam in to the said old hous he saw yow and the said Marion, his gudame, sitting thair and the devill in lyknes of a black man sitting betuix yow, and quhen ye saw the said James ye cryed out fearcly, ‘Tak him for he will tell upon us,’ but the said Marion, his gudame, wold not suffer and said, ‘Let him alone for nabydy will beleive him;’ and upon the morning therafter the said James told to the said Manse, his master, that he had sein yow and the said Marion, his gudame, and the devill together in the old hous; and lykways that night quhilke ye and the said Marion wer in the stockis before your now cuming to the toun ye said unto the said Marion, ‘Yea, plaig of God upon thy oy, for if thow had done to him that quhilk I bad the he had not beine trowbling now; quhilk ye, rank which, cannot deny.’

Secondly, ye ar indyted and accused for airt and parte of the said abominable superstition in that sex yeires since Vrsillia Fae, spous to Hew Peace, wantit the profeitt of hir milk, quharfor the said Vrsilla
sent hir servant woman and milkit your kow and did put it into hir kirne and immediatly when she kirded the milk sho got nyne merkis butter quhar befoir of als meikle milk sho got not at the most ij merks; and xxiiiij houris thereafter the said Vrsilla contractit ane deadlie disease quhilk continuist for the space of sex weikes, and at the end of sex weikes ye cam to the said Vrsillais hous and desyrit ane drink of milk from hir kirne and said if ye got it sho should get hir health againe, the quhilk drink of milk ye got and presently sho wes better of hir disease and lossit the profeit of hir milk and wantis it as yit, quhilk wes done be your deid, and therfor, rank wich, cannot deny.

Thridly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that William Orrrock had ane horse whilk wes seik; ye cam in and bad Margrat Orock, his dochter, get thrie sundrie sortis of silver and put them within ane sife and sif them over the bak of the seik horse and he sould be wholl, quhilk ye, rank wich, cannot deny.

Fourthly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that Margrat Broune, haveing discordit with yow, ye said to hir, ‘I'll might thow thryve and ill might thow put of this yeire;’ and presentlie thereafter the said Margrat contractit ane hevy disease and senslesnes quhilk continuist for the space of ane half yeir, and at the halfe yeires end the said Margrat came to yow and ye took hir by the hand and immediately sho got hir health, and ay since that tyme wes weill; quhilk wes done be your deid, and now, rank wich, cannot deny.

Fyftlie, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that your dochter, haveing takin keall out of John Broune his yard, the said Johnes servant woman fand falt with your dochter for taking of the said keall out of hir masteris yard, yit your dochter went hom with the keall to your hous and told yow that Katherine Sowens had fould falt with hir for takeing the keall, ye presently sent your dochter back againe with the keall to the said Johnes hous and when sho cam in sho cust the keall upon Katherin Sowens breist, being nurisch to the said John Broun in the tyme and presentlie sho loosit hir milk for the space of fourteine dayes, and at the fourteine dayis end ye cam to the hous wher the norisch wes and told the goodwyf of the hous that ye had dreamit that if sho wold give your dochter almis the norisch sould get hir milk againe; the quhilk almis your dochter gat, and presentlie the norisch gat hir milk againe as well as ever scho had befoir; quhilk wes done be your deid and therfor, rank wich, cannot now deny.

Sixtly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that ye, haveing a sone keipin David Peace his ky, and becaus he did put the boy away from keipin of his ky, ye said that he sould rew it and immediately ane
of the ky deid and schor[ely] the rest died also qhillk wes done be your deid and therfoir, rank witch, cannot now deny.

Sevinthly, ye ar indyted and accused for airt and part of the said abominable superstition in that ye, haweing a sone keiping John Brounis ky, and becaus the boy wes put from keiping of the ky, ye did curse and pray ill for them; and therafter the most part of them died and the rest that lived did never good nor yit yeild milk since the boy gied from them; qhillk also wes done be your deid and therfoir, rank witch, cannot now deny.

Eighthly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that Jonaith Potheringham, spous to John Peace, younger, being angrie with yow for cuming ilk morning to hir goodmotheris hous befoir the sun rysing, presently sho falias into ane extraordinarie disease so that sho might not go out of hir goodmotheris hous into hir oune, qhillk wes both closs together, bot did' creipe upon handis and felt qhillk sho cam to hir bed, presentlie ye cam in to hir and layd your hand upon hir head and did caus give hir ane soupe of milk and presentlie she grew als weil and in as good health as ever sho wes befoir; qhillk wes done be your deid and therfoir cannot now deny.

Nynthly, ye, the said Katherine, ar indyted and accused for airt and part of the said abominable superstition in that William Roy, elder, haweing discordit with yow, ye did strick him upon the back betuixt the shoulderis with your hand and presentlie the power of his body wes takin away in so much that he could not do the duty of a man towards his wyfe, qharr that tua nightis befoir he wes als ap and abill for his wyfe as ever he wes befoir, and ever since hir discordit with yow he wes not sa weil as he should be; qhillk wes done be your deid and therfoir, rank witch, cannot now deny.

Attour ye ar indyttit and accusit for airt and part of the said abom- inabilhill superstition in that laitlie ye met with Hercules Hey, officer, and said to him, 'I promised yow a good turne, and now ye sall be sure of it.' He answrit, 'Quhat a good turne promiset ye?' Ye answert, 'I promist it and ye sall be sure of it, and immediatlie he contractit the seknis in his bellie and is as yet lying for death and layis his death upoun yow.'

And generallie ye ar indyted for airt and part of using and practising of witchcrafts, sorceries, divinationes and charmis, as is particularie abonewritten, and giving your selfe furth to have sic craft and knowledg, thairby abusing the people, and that by your cursingis and imprecationes ye wrong and hurt man and beist. Qhillk evill is brocht to pas be the power and working of the devill, your master, and thairfoir aught and should underly the law and be adjuged to the death, thairfoir and in example of otheris to do the lyk.
Curia Justiciarie et vicecomitatus de Orkney tenta apud Kirkwall
in templo Sancti Magni in lie Walhous ibidem per Edwardum
Sinclair de Essinquoy et Magistrum Henricum Aitkin, justi-
ciarios et vicecomites deputato ejusdem, vigesimo nono die mensis
Maij, anno Domini millesimo sexcentesimo trigesimo tertio.

CURIA LEGITIME AFFIRMATA.

Compeirit the procurator phiscall and producit the dittayis and desyrit
the pannell to be accused thairupoun and be put to the tryell of ane
assyse.

Pannell present, denyit the first and the secund, altho verefeit, confess
scho baith sitt the sillor becaus scho had sene it befoir, denyit the fourt
spairinglie, denyis the fyft, denyis the sext, denyis the sevint and aught
and nynt and last.

The pannell have nothing to allege quharfor they sould not pas to the
tryell of ane assyse, and the procurator phiscall askit actis.

ASSISA.

Robert Linkletter in Garsetter, Thomas Seatter in Seatter, Oliver
Linkletter in Marwik, William Spens in Work, William Jonstoun in
Holland, John Cursetter in Weyland, Thomas Scot in Langskaill, Thomas
Scot in Sandvak, Thomas Sclaiter in Burcht, James Sclaiter in Houssa,
William Burgar in Holland, Oliver Sclaiter in Scorie, Richard
Fothringham in Burnes, Jerome Chalmer, skipper, William Craigie of
Vaitquoy.

Upoun the swearing of the inquest the procurator phiscall askit actis.

The hail assyse passing out of judgment and reentering agane, all
in ane voice be the mouth of Jerome Chalmer, thair chancellor, fyttis
the pannell in the first poyn the secund, thrid, the fourt, the fyft and
last, and clengis hir of the sext, sevint, aught and nynt, and referrit
sentence to the judge and dome to the dempstar. (Signed) JEROME
CHALLMER.

The judges acceptis the determinatioun of the assyse and deferris
sentence to the morne.

PENULTIMO MAJII, 1633.

The judges ordanis the pannell to be caryit be the lockman to the
cross and brunt on the cheik. Scho become actit that if at any tyme to
cum scho be fand to hant suspect places, to use charmes or libis (?scho
sall in that caise be brunt without dome or law to the death and that
willinglie of hir awin consent."
4th July 1633.  
31. Bond of caution by William Galloway in Carnehill in 300 merks for Thomas Galloway, his son, that he will appear before the Council on 23d July instant and answer to the charge of hurting and wounding Robert Adamesoun in Silverburn, and pay forty merks as his eschat to his Majesty's Treasurer, Deputy Treasurer and Receivers of his Rents; dated at Edinburgh, 4th July, 1633; witnesses, Mr John Galloway, writer in Edinburgh, Mr George Heriot, servitor to Mr John Paip, elder, writer, Thomas Meinzes, brother to John Meinzes of Carlips, and Mr John Callender, servitor to James Prymrois, Clerk of the Privy Council. William Galloway signs by aid of Mr John Paip and James Aitkin, notaries. [Signatures.] On the back is a warrant for registration in the books of Privy Council, dated at Edinburgh, 4th July, 1633, signed M. J. Paip. The bond is presented by Mr John Callender.

9th July 1633.  
32. Discharge by Alison Stevensone, widow of John Sandelands, merchant burgess of Edinburgh, narrating that on June last she obtained decreet before the Lords of Privy Council against Hew Tod, writer, decerning him to pay to her 400 merks for each tun of eighteen puncheons of French wine with which he had intromitted, and for payment whereof he found Mr Robert Nicolsone, one of the Commissaries of Edinburgh, his cautioner. She has now received payment and discharges the said Hew Tod and his cautioner; dated at Edinburgh, 9th July, 1633; witnesses, John Elliott, her son-in-law, Alexander Baxter, wright, burgess of Edinburgh, and James Peirsone, servitor to the said Hew Tod, who wrote the discharge. [Signatures.] At the foot is warrant for registration in the books of Privy Council, dated at Edinburgh, 10th July, 1633, and signed M. R. Craig.

11th July 1633.  
33. Supplication by Sir Donald M'Donald of Slait, Sir Lachlan M'Clane of Douart, John M'Cleud of Hereis, and John M'Donald M'Allane V'Eane of Iltantyrum, Captain of the Clanranald, for themselves and in name of the remanent landlords in the Iliis, as follows:—Some thirty years since, in the time of their minority, when the Iliis were not under that civility and obedience to which they have now attained under the blessed government of his Majesty and his late father, it was thought necessary that the landlords and chiefants of clans should be put under caution for comparing personally yearly before the Council on 10th July, with the design that the Islanders, by being drawn hither once a year, might learn civility and, by imitation of the noblemen and others of the incountry, might become peaceable and obedient subjects. As the Iles are now become obedient, religion and justice established therein, commerce and trade entertained as really and peacefully both with strangers and natives as in any other part of the kingdom, and there is not even the "simple appearence of any commotion," for their Lordships have not heard any complaint in the Iles for many years past, and as this
cautionry held over their heads is a heavy yoke and burden under which they are no longer able to subsist, “it being a moithe and canker which eats up our wholl estates and in tyme will overthrowe us”; and, moreover, as they are his Majesty’s good and faithful subjects, and stand obliged for the obedience of all under them, as well as for their own personal compearance on citation of parties, besides attending al the justice courts to be held by virtue of the recent commission of justiciary given by his Majesty to the Lord of Lorne over the whole Isles, as they are informed, they crave that their Lordships would pass an act freeing them from this yearly compearance upon 10th July. [On the back] “Apud Halyrudhous xi Julij 1633. Fiat ut petitur for the yeir to come allanerie. GEO. CANCELL*, I.P.D.”

34. Original of royal letter for assisting the Justice with assessors in the trial of John Tooch, printed ante, p. 276; addressed to the Earl of Kinnowle, chancellor, and remnant noblemen and others of the Privy Council of Scotland.

35. Supplication by Mr...1 Mortoune, minister at the South Kirk of Leith, for himself and in name of the said kirk and poor of...Mr John Elphinstoune, Alexander Hay, John Luikup, James Mathesoune and Matthew Mitchell, for themselves and for their neighbours of Leith and the poor thereof, as follows:—The late Alexander Hay, Clerk of Register, obtained the sole heritable right to all the lands, teinds and properties whatsoever belonging to the Preceptory, hospital or chapel of St. Anthonis in Leith, and after him Mr John Hay of Easter Kennett, his son...of Session, and Daniel Hay, Writer to the Privy Seal, his brother, having undoubted right thereto, for the glory of God, the benefit of the poor, and love and favour to the Kirk thereof, disponed and mortified, and also his late Majesty disponed and mortified not only the preceptory and chapel of St. Anthonis...“heaven besyid Leith” with all rents, benefits and casualties thereto belonging, to the elders and deacons of the said kirk for the use of the poor, to abide with them and their successors for ever, with power to their factors and chamberlains to uplift the rents, etc., for the use of the poor, and in such wise as that no minister of the said kirk or lack person may encroach thereupon, as the said charters under the great seal and other writs testify. Yet Mr William Wishart, one of the ministers of the said kirk, in May last or thereby, caused the keepers of the kist in which these writs were kept, to open the same, when he took out a number of the writs, including the two foresaid charters of mortification, receiving the same from David Logane, treasurer...Francis Wilkie, Alexander Beanes, Neill Campbell and William Cwmrie, elders of the said

1 The document is much frayed and part of it wanting on the one side.

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kirk, under pretext of obtaining a royal confirmation of them all in the late Parliament for the perpetual security of the kirk therein. Nevertheless, against conscience, trust and promise he has not only failed to do so, but as they understand, he has purchased surreptitiously a grant thereof and of the rents and casualties of the said preceptory and chapels of St. Anthonies and Newheavin to himself, and by selling the same has already utterly ruined the said church and poor thereof. They therefore crave that their Lordships would (1) summon parties before them and ordain the keepers of the said kist and the said Mr William to produce all writs given out of the said kist, and the latter, such deeds as he has surreptitiously purchased from his Majesty thereupon; (2) ordain the said Mr William to be denuded of any such surreptitious rights so that they may be in all time coming vested in the ministers, elders, deacons . . . . of Leith for the use of the poor in all time coming; (3) take the oath of the said Mr William that he has not sold nor disposed and that he will not sell, dispone nor gift any part of the said preceptory and chapels of St. Anthonies and Newheaven and rents thereof to any person in prejudice of the said church and poor of Leith; and (4) that for avoiding of great expenses to the said church and poor they would ordain the keepers of the registers of benefices, all other keepers of registers and seals and the clerk presenter of signatures not to allow in time coming any deed respecting the said preceptory, hospitals or chapels, or anything belonging thereto to proceed until first the ministers, elders and deacons of the said kirk be warned and heard thereupon. [On the back] "At Halyrudhous, the threttie day of July, 1633. Fiat summonitio ut petitur, viz., to warne the pairties allanerlye.—WINTOUN." Also note of two executions by Mr William Dowglas, macer, on 31st July, 1633, against (1) Mr William Wishart, Mr Francis Wilkie, Alexander Baine, David Logane, Neill Campbell, and William Comrie, all personally apprehended, to compear before the Council this day at 9 a.m. in the laich Council house of Edinburgh; witnesses, James Gray, indweller in Leith, and James Orr, servitor to Alexander Hay; and (2) against the same persons, at the direction of Thomas, Earl of Hadintoun, to compear that afternoon at 2 o'clock. It is noted also at the foot of the petition that on 31st July parties compeared and Mr William Wishart, parson of Restalrig, declared his willingness that the gift purchased by him from his Majesty of the preceptory of St. Anthonies shall be converted to the use and benefit of the poor of Leyth according to the intention of the first mortification. The Lords therefore ordain the writs to be produced to his Majesty's Advocate that he may consider and report upon them the next Council day, but this to be without prejudice of the right and interest of the Earl of Dunfermlyne, which is to be heard that day.

25th September, 1633. Continued to the first Council day of November.
36. Pond of caution by Adam Corsane, merchant burgess of Dumfreis, for Mr John Corsane, provost of Dumfreis, in 400 merks, that he will not molest John Spens, merchant burgess of the said burgh, nor his wife and household; dated at Dumfreis, 3rd August, 1633; witnesses, John Craik, bailie of the said burgh, Adam Nisbet and William Rig, notaries, and William Mairten, tailor. [Signatures.] On the back is warrant for registration of the bond in the books of Privy Council, dated at Edinburgh, 6th August, 1633, presented by Thomas Maxwell, writer, and signed M. J. Paip.

37. Letters of charge at the instance of Andrew, Bishop of Galloway, prior of the priory of Quhithorne, as follows:—In the taxt roll of the said priory made for the relief of the said bishop concerning the taxation of July, 1630, the fearers of the lands and tacksmen of the teinds of the said priory are taxed in the sums aftermentioned, but of these they will make no payment unless compelled. Messengers are therefore ordained to go and, by proclamation at the market cross of the head burgh of the shire where they dwell, to charge them to make payment to the factors and chamberlains of the said bishop of the sums due by them upon pain of horning, which is to be execute upon them after twenty days in case of disobedience, if parties be within the country, but if they are forth thereof, then sixty days after they have been charged by public proclamation at the pier and shore of Leith. The persons to be charged and the sums to be paid by them are as follows, being for the fourth term’s payment of the said taxation, viz.:—Alexander, Earl of Galloway, for the Mains of Quhitorne, £19 16s. 11d., and for his lands of Stennock, £8 16s. 4d.; for his lands of Portyerrack, £14 14s. 7d., and for his lands of the half isle of Quhiterne, £8 16s. 4d.; Patrik Vaus, fear of Barnbarroch, for his lands of Carletoun, Kerindone, Apilvie, Craiginmeyne, Craichdow, Outounburges, Outounkorwor, Wig, Stennock, Alexander Stewart's Wig, Culmalzew, Airleis, and Barverenoch, £174 18s. 8d., and for his mill of Apilvie £17 12s. 10d., and for his mill of Little Arreis, £5 5s. 10d.; Antoun Howstoun of Drunmastoun for his lands of Prestorie, £19 16s. 11d.; Mr Francis Hay for the lands of Crugiltoun Castell, £26 9s. 2d., and for his half of Crugiltoun Kavens, £8 16s. 4d.; Alexander Stewart of Bargrennan for his lands of Crugiltoun Keavens, £8 16s. 4d.; Mr James Hannay and Patrik Forbes for the lands and mill of Poltoun, £52 18s. 4d.; Androw Hannay, son and heir of the deceased Archibald Hannay of Quhythillis, for his lands of Quhythillis, £8 16s. 4d.; Mr Gilbert Gordoun of Shirmers for his lands of Glenswintoun, £24 9s. 6d.; Robert McCulloch for his lands of Barmith, £14 11s. 1d.; John Martine for his lands of Shedock, £8 16s. 4d.; Thomas Blance for his lands of Wig, £7 1s. 2d.; James Maxwell of Knock and George McCulloch for the lands of Knock, £44 1s. 11d.; Hew Kennedie for his lands of Little Arreis, £8 16s. 4d.;
38. Bond of caution by George Bennet, elder, burgess of Mussilburgh, for Patrick Clunies in Innerask, in 1000 merks, that he will not molest Thomas Hunter in Cousland, nor his wife nor household; with clause of relief, dated at Innerask, 14th August, 1633; witnesses, John Craik, tailor in Innerask, Samuel Rennick and John Duncane his servitors, and George Aytoun, servitor to William Wilson, W.S., who wrote the bond. [Signatures.] At the foot is warrant for registration in the books of Privy Council by Robert Hepburne, advocate, as procurator for the parties, dated at Edinburgh, 15th August, 1633.

39. Renunciation by Patrick Maulde of Panmure, “one of his sacred Majesties bedchamber,” narrating that Mr William Oliphant of Kirkhill, advocate, on 18th September, 1632, at Edinburgh, granted to him a commission to sell his lands of Kirkhill, Strabrok and others mentioned therein for his relief of an act of caution which he gave for the re-entry of the said Mr William Oliphant within the tolbooth of Edinburgh before 1st August thereafter; and that the said Mr William having re-entered to ward on 31st July last, where he presently remains, the Lords of...
1633.  CHARLES I.  565

Secret Council have ordained him to renounce the said commission. This he accordingly hereby does by present delivery of the same to the said Mr William, providing that these presents be no way prejudicial to him in the possession of the gift of the escheat of the said Mr William which he has from his Majesty under the privy seal, and he declares that he will not be obliged in warrant of this "repositioun" and renunciation except as regards his own deed, viz., that he has made no right of the said commission to any other person; dated at Balisken, 16th August, 1633; witnesses, David Souttar in Both, Peter Browne and Mr Patrick Lindsey, servitors to the renouncer, and Mr Alexander Burnet, servitor to Sir Thomas Hope of Craighall, his Majesty's Advocate, is writer of the deed. [Signatures.] On the back there is a warrant for registration in the books of Privy Council, signed by Sir Thomas Hope as procurator for the Laird of Panmure, dated at Edinburgh, 3d October, 1633.

40. Writ by John Houston, messenger, whereby, with consent of James Stewart, apparent of Halrig, he passes from the charges given to John Hunter in Fischertoun, Robert Hunter, his brother there, John Henderson in Coleungar, Thomas Kennedy in Drumschang, John Kennedy in Ten Schilling land, Robert Campbell in Knokincriy, James Campbell, his son, John Gray in Ardachie, John Allasone there, John Mc'Nedir in Hiltoun and James Mure in Cowdin; and they oblige themselves not to insist in further execution upon the assise of George Cochrane in Newton for his adultery with Janet Watsoun, wife of William Rodger in Ayr, of this present charge which was for 7th November, 1633. This writ is dated at Edinburgh, 20th August, 1633, and subscribed at Ayr, 2nd November, thereafter by James Steuart and Jo. Houstoun, mess'.

On the same paper is Certificate by Thomas Kennedy in Drumschang, Assert the bailie of the barony of Duntore, that he and each "of the remanent persons" paid to James Steuart, apparent of Halrig, £5; and each of them to John Houston, messenger, 6s., to draw them out of the roll of the assise, dated and subscribed at Air, 25th December, 1633.

41. Summons at the instance of Alexander Stewart against George Fraser in Outlaw in which the indictment against the said George Fraser and his wife, Giles Chalmer, of using witchcraft for the curing of disease is set forth. The document is much destroyed by damp, but it is sufficiently legible to show the nature of the charge. In the year 16 . . . George Fraser fell sick and had recourse to a notorious warlock, John Philip, who was afterwards burned for sorcery and witchcraft in the burgh of Bamff. John Philip came and remained with the sick man several days and having obtained a quantity of lax water from a south-running well in a white pitcher, which he brought to the house of George Fraser and warmed upon the fire, he washed him therewith
twice every day until he was cured. As this water was being thrown out a cat ran over it and instantly went mad, and in her fury leapt at the throat of Walter Fraser, kirk officer of Alvah, and almost worried and strangled him. Further, that on another occasion, in March, 1630, when he was sick he consulted Philip and they sent to a notorious warlock there, Walter Baird, who was afterwards burnt for witchcraft, and by their means he was cured of his trouble. Moreover, they associate with Philip, and receive instruction from him in his devilish arts, as charming beasts and cattle, taking off sickness and diseases from them. As also that the said George Fraser and his wife went through some form of enchantment taught them by the said John Philip with regard to their oat seed in their barn which had the effect of producing a far more plentiful crop than that of any of their neighbours. It is alleged that John Philip confessed the above to the ministry of the presbytery of Turreff. George Fraser and his wife were accordingly cited to appear for trial before the Justice or his deputies on 21st November next. The summons is dated at Edinburgh, 27th August, 1633. On the back is an instruction signed by John Bannatyne, depute to the Lord Justice Clerk, dated at Edinburgh, 12th November, 1633, to Alexander Anderson, messenger, to whom the foregoing summons was directed and by whom it is subscribed, that the said George Fraser and his wife had found caution in the books of adjourn for their compearance as charged.

42. "CHARLES R.—Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and welbeloved counsellours and trustie welbeloved counsellours, wee greete yow well. Upon humble suite made unto us in behalfe of our trustie and welbeloved William Ballentynne of Corruses that wee might be gratiouslie pleased to graunt unto him a protection for a yeares, thereby the better to enable him (as he affirmeth) to take the more safe and speedie way to give his creditours satisfaction, wee did thereupon signe this inclosed protection, but withall thought fit to referr it unto your consideration, willing yow to take such course therein as may best tend to the securing of the creditors and the better enabling of the partie for it, which is only our royall intention in this and hath been in all bussines of the lyke nature. Wee bid yow farewell. From our Court att Denmarke house, the 30 of August, 1633." Addressed to the Earl of Kinnoull, Chancellor, and the remenant Lords of the Privy Council of Scotland.

43. Bond of caution by James Muschett, iar of Burnbank, for Sir John Hauldene of Glenegles, that he will pay to Archibald Edmonstone of Duntreathe, commissioner for the small barons and freeholders of the shire of Stirviling at the last Parliament, 13s. 4d. for each pound
land of his £13 land of Catteris in the said sheriffdome, as part of the said Archibald's charges and for furnishing him with a footmantle; as also that he will pay to James Muirheid, iar of Lachope, commissioner for the small barons and freeholders of Dumbartaneshire to the said late Parliament of £3 4s. 4d. for each pound land of his £16 land of Barquhoies Haldanes, towards his charges and expenses as above, if it shall be found after discussing his suspension of their charge before the Lords of Privy Council that he ought so to pay; and that he shall pay such expenses as their Lordships may modify; with clause of relief; dated at Lenrick, 9th September, 1633; witnesses, Harry Murray, servitor to the said Sir John, Robert Muschett, writer in Edinburgh, and Walter Smith, lawful son of James Smith in Tollgarth, who wrote the bond. [Signatures.] On the back there is a warrant for registration in the books of Privy Council, signed by J. Wilsone, as procurator for the parties, at Edinburgh, 17th September, 1633. The bond is presented by Robert Muschett, writer in Edinburgh.

44. Bond of caution by Alexander Cunynghame of Montgrenane for 14th September 1633.

Sir Thomas Boyde of Bonschaw, Adam Boyd, his brother, James Boyd, his servitor, and William Wallace of Failfurde, in 2000 merks for each person, that they will not molest William Cunynghame, uncle of the Laird of Montgrenane, and William Stewart of Wig, nor their wives nor households; with clause of relief; dated at Killuquhanie, 14th September, 1633; witnesses, Mr. Hew Cathcart, son of the deceased John Cathcart of Cairlton, John Wallace, servitor to the said William Wallace of Failfurde, Gilbert Abircrombie in Killuquhanie and Thomas McBlane in Enoch, notary, who wrote the bond. [Signatures.] On the back there is a warrant for registration in the books of Privy Council signed at Edinburgh, 17th September, 1633, by M. J. PAR, as procurator for the parties. The bond is presented by John Stewart, servitor to Robert Wallace, writer.

45. Summons at the instance of Patrick Temple, servitor to Sir John Hamilton of Prestoun, narrating that on 18th September 1633, when he was coming from Cassilltoun to Prestoun, where he dwells, about 10 at night, he was suddenly assailed by Thomas Hog and John Cowtman in Trop . . . upon the highway near the town of Lint . . . and the said John Cowtman held him until Thomas Hog gave him two strokes on the head with an edged whinger to the effusion of his blood in great quantity. They then cast him to the ground, took from him his sword and whinger, and with the buttone of his cloke almost wirried him.” When they thought him dead, they “rypped him to see what moneyes he had, and finding none gave him manie bauche and blae straikes on diverse parts of his body.” These persons are therefore cited to appear before the Council on 25th September, under pain of
horning. Dated at Edinburgh, 18th September, 1633 (signed) J. Prymois. On the margin against the complaint there is noted "Past fra."

46. Bond of caution by Edward Maxwell, tailor burgess of Edinburgh, for John, Earl of Annerraill, that he will pay to James, Lord Johnstoun, Elizabeth, Countess of Wigtoun, his mother, John Carruthers in Howmaynes, Matthew Wilsoun in Greinheid, allledged tacksmen of the teinds of the said Earl's lands of Lochmaben, the valued teind rent of these lands in terms of the valuation made or to be made and approved, and that between Yule and Candlemas next. Likewise Thomas Maxwell, brother german of Herbert Maxwell of Kirkconnell, in the absence of and for the said Earl, obliges himself to relieve the said cautioner. Dated at Edinburgh, 3rd October, 1633; witnesses, William Maxwell, servitor to the said Thomas, John Henrysone, writer, and John Lui, servitor to Peter Barbour, W.S. The cautioner signs by the aid of George Halden, notary. [Signatures.] On the back there is a warrant for registration in the books of Privy Council dated as the bond and signed by Mr John Sandelands, advocate, as procurator for the parties.

47. Discharge by Mr William Oliphant of Kirkhill acknowledging that he has received from James Prymois, Clerk of Privy Council, the commission granted by the discharger to Patrick Maud of Panmure for selling his lands, dated 8th September, 1632, in presence of Mr John Oliphant, sheriff clerk of Edinburgh, Henry Veitch, W.S., and John Sempill, his servant, as witnesses; and that he has also received the "letter of reposiition" by the said Patrick Maud (ante, p. 564), dated 16th August, 1633, with the "hail evidents, letters and writes quhilkis wer consigned be me in his hands and putt in a close and lockt buist quhairof the key has beene ever keeped be my selfe, and the said James had no foulder medling in that mater but onelie to kepe the lockt buist and evidents and writs being within the same," and of all which he now discharges the said James and his heirs and executors dated at Edinburgh, 7th October, 1633; witnesses, Alexander Stratoun, son of Arthur Stratoun, W.S., and Thomas Tod, brother of Hugh Tod W.S. [Signatures.] On the back there is a warrant for registration in the books of Privy Council dated as the discharge and signed by Mr James Makgill, as procurator for the parties.

48. Discharge by Sir William Murrey of Tuchedam, knight, Sir Alexander Seytown of Kilkrsuch, knight, one of the senators of the College of Justice, Sir John Stirling of Garden, knight, and William Stirling of Ardoch, narrating that on 26th December last the Lords of Privy Council ordained Dame Janet Lawson, widow of Sir John Edmestoun of that Ilk, to pay to them 2400 merks for the teind corns, and 185 bolls
of victual for the rents of the Easter and Wester milne of Ednam at 10
merks the boll, introdempt with by her during the time libelled. She
has consigned in the hands of James Prymois, Clerk of the Privy
Council, the said sum of 2400 merks, and 1850 merks for the price of
the said bolls, and is willing that he give up the same to the dischargers
upon a sufficient discharge thereof, which they hereby grant, without
prejudice to the fulfilling to them of the other parts of the said decrect
or of any action competent to them thereaenent; dated at Luchall, Polmais,
and Ardoch, 10th, 11th, and 12th October, 1633; witnesses (1) to the
subscription of Sir Alexander Seytoun and Sir John Stirling, Ninian Setove
and David Duncan, servitors to the said Sir John, and John Reddoch; (2)
to that of Sir William Moray, Robert Wricht and John Squyar, burgess of
Stirling; and (3) to that of William Stirling, Harie and John Stirling,
his sons. [Signatures.] On the back there is a warrant for registration
in the books of Privy Council dated 6th November, 1633, and signed by
as procurator for the parties, the bond being presented by Mr
William Stirling, writer.

49. Original of royal letter for demolishing the east and west partition 11th October
walls within the church of St. Giles in Edinburgh, and making it the
Cathedral Church of the bishopric of Edinburgh, printed ante, p. 136;
directed on the back to the Earl of Kinnoul, Chancellor, and remenant
noblemen and others of the Privy Council of Scotland.

50. Original of royal letter appointing the Bishop of Moray a member 11th October
of the Privy Council, printed ante, p. 156; addressed on the back to the
Earl of Kinnowl, Chancellor, and the remenant noblemen and others of
the Privy Council of Scotland.

51. Bond of caution by William Forbes of Barnis for Arthur, Lord 11th October
Forbes, that he will render his house of Harthill if the Lords of Privy
Council shall find he ought to do so, under a penalty of 8000 merks,
and in obedience to the letters raised against him by Adam Abrercromebie
of Aldrayne; dated at Barnis and Harthill, 11th October, 1633;
witnesses, Alexander Forbes, apparent of Barnis, and James Forbes, sons
of the cautioner, Mr William Forbes, sometime minister at Keig, and
William and Arthur Forbes, lawful sons of the said Lord Forbes, and
James Ballantine, his servitor. [Signatures.] On the back there is a
warrant for registration in the books of Council by Mr. John Gilmour,
advocate, the bond being presented by George Stewart, servitor to
Walter Hay, advocate.

52. Discharge by William Cranstoone in Moristoun of all right or 27th October
interest he can pretend to or in the sum of 4250 merks consigned by
Discharge by Dame Janet Lawson, widow of Sir John Edmistoun of Ednem, in the
hands of James Primrosse, Clerk of the Privy Council, to be paid to
Sir William Murray of Tuchadam and the others mentioned in their
discharge of 10th October (ante, p. 568); dated at Greinknow, 27th
October, 1633; witnesses William Setoune, brother german of the
deceased James Setoune of Touche, William Lyll of Basindane,
Williame Home in Eist Nisbet, and Thomas Haistie, servitor to Dame
Barbara Cranstoun, Lady Touche. The bond is written by Mr
William Stirling, and on the back there is warrant for registration in
the books of Privy Council dated 6th November, 1633, and signed by
as procurator for the discharger.

53. Original of royall letter relating to Mr William Wishart and
the preceptory of St. Anthony at Leith, printed ante, p. 228; directed
on the back to the Earl of Kinnowle, Chancellor, and the remanent
nobles and others of the Privy Council of Scottland.

54. Testificate in favour of George Fraser in Sandlaw and Giles
Chalmer, his spouse, signed by Mr James Melvill, minister at Alvah,
Mr William Chalmer, minister at Innerboyndy, and Robert Craig,
reader, of Awache, dated at Awache, 14th November, 1633. They
declare that the said George Fraser and Giles Chalmer, who have
been indicted to stand their trial for consulting with witches, etc.,
are entirely innocent of not only that but of all other public crime
or imputation, so far as known to them. The said George has been
an elder of the session of Awache during all the time the present
minister has served there, and that is seventeen years, and still remains
so. And as to the assertion of "that infamous lyeing lybel," so far
from neglecting the ordinary means for his relief from sickness
appointed by God, he caused his minister, Mr James Melvill, write
to Dr. Dowglas, then dwelling in Banff, to come and visit him,
sending gold therewith for this purpose. "Qhilk he did with all
diligence, accompanied with the said Mr James, and after qhilk visitat-
tions the said Doctour, having tachten consideratione of the disease,
returned to the said Mr James Melvill his house, and sent away the said
James servitor, Johne Ord, to Banff, to his garden thair, albeit
under silence of the nicht, with directione to his owin wyffe to heat ane
caldron full of water and by his letter poynitng out ane part of the
garden directit her to cast the hail water thairupoun for opening of the
ground, it being ane great storme and frost and to send all the herbes
qhilk wer in that proper place. Qhilk the said John Ord bringing
with diligence, together with wyne seck, upou the morrow the said
Doctour and the said Mr James went to the said George Fraser againe
and at dyverse uther tymes gave to the said George potiones and
drinks qhilk at the last he convaileist and came to his owin health."
55. Discharge by James Steuart, apparent of Halrig, and John Crinks, to John Bell, releasing him from attending the assize upon which he has been summoned. [Signatures.]

56. Extract Decree from the Books of Adjournal of the justice court held in the tolbooth of Edinburgh on 21st November, 1633, by Mr Alexander Colville of Blair, Justice Depute, in the case of George Fraser in Outlaw and Giles Chalmer, his wife, who were cited at the instance of Sir Thomas Hope of Craighall, his Majesty's Advocate, and Alexander Steuart in Briggishillok, as his informer, to underlie their trial for using sorcery and witchcraft. They are charged as follows:—— When in 1630 the said George Fraser fell sick, he, by the advice of his said wife, in violation of the Act of Parliament against consulting witches, etc., in June, 1663, consulted with the deceased John Philips, whom they knew to be a notorious warlock and sorcerer, and who was afterwards apprehended, convicted and burned for witchcraft at the burgh of Banff, to cure him by devilish and unlawful means. The said informer appeared by William Downie, servitor to Mr Alexander Hay, one of the Clerks of Session, in terms of a letter of procurator signed by the said Alexander Steuart at Dewchris on 11th November instant, who produced the criminal letters, and asked instruments and protested for the relief of Walter Mylne of Rosieburne, his cautioner. George Fraser compeared personally and entered himself upon panel, and with him compeared Mr James Baird and Mr David Prymrois, advocates, as his procurators, who produced a testimonial subscribed by Mr James Melville, minister at the kirk of Ava, Mr William Chalmer, minister at Inverboyndy, and the reader at the kirk of Ava, in name of the elders thereof, dated 14th November instant, as narrated ante, p. 570. In respect of the non-compeareance of the Lord Advocate to pursue, the judge ordained the diet to desert and discharged the outgiving of any criminal letters against the said George Fraser and his spouse before Midsummer next, and that, if any are then sought, the purchaser shall require to find caution in £1000 before they are granted, and the cautioner's name shall be intimated by the clerk to the panel's advocates foresaid. Whereupon the said George Fraser and his advocates asked instruments and protested for the relief of Alexander Ritchie, burgess of Banff, his cautioner, and also for compensation against Thomas Steuart of Ryland, who was personally present as informer. The extract is subscribed by Jo. Bannatyne, clerk depute of Sir George Elphingstoun of Blythiswoid, knight, Justice Clerk.

57. Summons at the instance of George Fraser of Outlaw and his wife against Thomas Stewart of Ryland, as narrated above; dated 4th December, 1633, and signed Ja. Prymrois. On the margin is noted the hearing of the case on 14th January, 1634.
58. Summons at the instance of John, Earl of Annerdale, against Fergus Graham of Blaawood, as narrated ante, p. 173; dated at Edinburgh, 6th December, 1633, and signed by Ja. Prymrois. On the margin and on the back there is noted the finding of the Lords on the 19th December following.

59. Note of execution of summons on 13th December, [1633] by Adam Clerk, messenger, at the instance of John, Earl of Annerdale, against Fergus Graham of Blawetwod, at his dwelling place and also at the market cross of Lochmaben, to compear before the Council on 19th December instant; witnesses, Thomas McBurnie, notary, ... Dowglas, son to John Dowglas of Kilivarane, and Thomas Clerk, at Blawetwode, and also John Richardsone and Thomas Nesche, at the said market cross.

60. Fragment of a summons dated at Edinburgh, 14th December, 1633, and signed by Ja. Prymrois, which from a note on the margin seems to refer to the case of Logan, messenger.

61. Summons at the instance of Elizabeth Bathcat and Alexander Pea, maltman in Eymouth, her husband, against Sir Patrick Home of Aittoun and others, as narrated ante, p. 176. It is directed to John Richardsone and George Stewart, messengers, and is dated at Edinburgh, 16th December, 1633, and signed Ja. Prymrois. On the margin there is a note of the decision of the Lords in the case on 9th January, 1634; and on the back a note of the execution of the summons by George Stewart, messenger, on 1st January, 1634, against Sir Patrick Home and Mr John Home, both personally apprehended before these witnesses; Mr George Home, minister at Aytoun, and Mr George Ochterlony in Eymouth, in the case of the said Sir Patrick, and John Gray and John Broun, portioners of Eymouth, in the case of the said Mr John Home.

62. Extract from the Books of the Acts of Privy Council under the subscription of “Jacabus Prymrois,” narrating the proceedings of the Lords in the complaint of David Robertsone, bookbinder in Edinburgh, against Manasses Voltroller, also bookbinder there, as narrated ante, p. 174, with this difference, that Mr Alexander Fouller is said to compear with the pursuer as his procurator. On the margin, however, there is a note of the further procedure in the case on 9th January, 1634, when Alexander Fouller is given as the defender’s procurator, and the case is continued to [Tuesday] next. There is also a note of the later proceedings upon 14th January, as narrated ante, p. 182.
63. "Upon the nyne ten day of December, the yeir of God 1633 yeirs, I, James Dowglas, maissen, past at command and be vertew of thir our Soverane Lordis letters within writtin (raisit at the instance of his Majesties Thesaurares principall and deputie) to the merket croce of Edinburgh and thair with sound of trumpet and opin proclamatione in his Majesties name and auctoritie of new maid intimations to the haill persoines withinnamit and everie ane of thame for thair awin pairts of the said former chairge, with certificatione to thame and they compeired nocht and endit thair compte in Exchequer betuixt and Setterday nixe, the twentie ane day of December instant, I wold denunce thame his Majesties rebells and put thame to the horne, and ordine thair moveable goods and geir to be esbeit and imbrogit to his Majesties use for thair contempitione, eftir the forme and tennor of the saids letters in all points; quhairof I affixit and left ane copie upon the said mercate croce of Edinburgh, befoir thir witnesses, Mark Smyth, trumpeter, and William Lindsay, post in Edinburgh; and for the more verificatione to this executione and indorsatione, subscritvit with my hand, my stamp is affixed." (Signed) "J Dowglas maissen." (Stamp.)

"And becaus the persoines above chaired particularie etter-following, they are to say: custumar of Eymouth, Sir William Dowglas, shiriff of Roxburgh, Johne Stewart of Coldinghame, Sir George Home, fewear of Flenningtoun and Fairnyside, the provest and baillies of Lanerk, the shiriff of Lanerk within burgh, the customair of Dumfreis, Stewart of Annendaill, fewear of Duncow, James, Lord Johnestoun, fewear of Newbie, Maxwell, fewear of Castellmilk, Johne Johnestoun, fewear of Turmoir and Montrig, William Irwinge, fewear of Stirkshill, Stewart of Kirkcudbright, customer of Kirkcudbright, the provest and baillies of Stranraver, shiriff of Wigtoun, customer of Wigtoun, the baillies of Lochmaben, the provest and baillies of New Galloway, Johne, Lord Lowdoun for Kylissmuire, receaver of Stewartoun, Sir William Cunynghame of Caprintoun, baillie of Kyllestewar, baillie of Cunynghame, baillie of Carick, fewear of Trabrice and Carinyean, baillie of the regaltie of Croceragull, the baillies of Rose, shiriff of Argyll and Tarbet, customer of Stirling, shiriff of Bathgaitt, Alexander, Erle of Linalithgow, portioner of Kerse, Patrick Justice, fewear of Winshilhauche, Lord Forrester, shiriff of Edinburgh, Lindsay, fewear of the Kings Wark in Leith, Johne Burnee, custumar of Hadintoun and Dumbar, chambrilane of Dumbar, fewear of the Erledome of Mairche, fewear of St. Jermanes, Johne, Erle of Wigtoun, Sir William Dowglas of Cavrise, Sir Patrick Murray for Langhaw, Johne, Erle of Lawirdail for the Kirk of Lawder, Dunypase for the kirks of Larber and Dunypase, James, Lord Colvill for the kirk of Tillicutrie,
the bailies of Auchterarder, baillie of the regalitie of Dumblain, the Lord Stormouth for Skoona and Elcho, the Erle of Murray, stewart of Monteith, and Lord St. Colme, fewar of Eister Kennet, shireff of Clarmanan, shireff of Fythe, Thomas, Erle of Kellie, Patrick, Lord Lindoris, and John, Erle of Rothes for Lindores, baillie of the regalitie of Musselburgh, baillies of Pittenweyme, stewart of the regalitie of St. Androis, James Kinnimouth, chamelane of Fythe, James, Lord Colvill, the provest and baillies of Montrose, baillies of Bervie, Erle Mairshall for Deir, fewar of Kintor and Garvock, fewar of Tavillie, fewar of Creiche, Sir William Forbes of Craigievar, fewar of Fintrie, fewar of Eister Disblair, Sir Alexander Irving, fewar of Kinmulis, shireff of Bamff, provest and baillies of Bamff, baillies of Rattray, Thomas, Lord Kinloes, shireff of Elgin and Forres, provest and baillies of Elgin, customar of Spey and Findorne, Alexander McKeinzie of Pluscarden, shireff of Nairne, William Sutherland of Duffus, M’ Alexander Keith, Alexander Gordoun of Sydra, James Dowglas of Bogsyde, fewar of Pittindreiche, fewar of Leamishauche, fewar of Bewfort, shireff of Cromartie, baillies of Cromartie, baillies of Rosemarky, baillies of Dingwall, Lord of Bewlie, Lord of Ferne, shireff of Caithnes, baillies of Weik, fewar of Moydart and Heyth, and everie ane of thame, hes disobeyt the chairge and intimatione given to thame in maner abovementionat; therfore I, the said James Dowglas, maissar and shireff in that pairt within constitute, upon the threttein day of January, the yeir of God juxvij threttiefour yeirs, past to the mercate croce of Edinburgh and thair with sound of trumpet denounced the haill persons abovenamit our Soverane Lordis rebellis and put thame to his hienes horne be thrie blasts of ane horne, as use is and ordanit all thair moveable goods and geir to be imbrógth to his hienes use for thair contentione. This I did after the forme and tenor of thir saids letters in all points before thir witnesses Mark Smyth, trumpetter, George Donaldson, keeper of the Exchequer hous doore, and William Lindsay, post in Edinburgh; and for the more verificatone to this my executione and indorsatione, subscryvit with my hand, my stamp is affixed. (Signed) J. Dowglas, maisser.

24th December 1633.

Execution of summons at the instance of George Fraser in Outlaw and Giles Chalmers, his wife, (1) on 24th December, 1633, against Thomas Stewart of Ryland, personally apprehended at his dwelling house in Deuchries, and Alexander Stewart in Briggiahillok, personally apprehended beside the Smiddiehills
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of Banff, before in Barlethil and James Gibbounse, servant Chalmers, his to the messenger for the time; and (2) on 2nd January, 1634, against wife, against Thomas Alexander Anderson, messenger, personally apprehended, before Robert Stewart of Adame in Fordyce and the said James Gibbone; charging them to Ryland and others. compear before the Lords of Privy Council at Edinburgh on 14th January next.

65. Testificate to the Lords of Privy Council and Lords of High Commission in favour of the bearer, George Fraser, sometime in Outlaw, now in Sandlaw, and Giles Chalmer, his wife, who are being prosecuted for sorcery and witchcraft by Alexander Steuart in Briggishillok and Sir Thomas Hope of Craighall, King’s Advocate, who appeared before the subscribers, viz., the provost, bailies and council of the burgh of Banff, showing how they were traduced and desiring them to testify to their honest lives and Christian conversation and behaviour; and this they do, testifying to their knowledge that the said George Fraser and his wife have dwelt and had their residence all the days of their household within four or five miles of this burgh of Banff, and haiff leivit and cariet themselvses honestie, christianelie, soberlie and credible, as became Christians of their estait and qualitie, but scandall or reproche of kirk or comownwealthe hitherto be their desert in so far as evir we culd learne or trye. This we declar to be of treuthe wpone our honestie and conscience according to our knowledge.” Dated at Banff, 30th December, 1633. (Signed) Georg Baird, prouest; A. Baird, bailie; Patrick Flemynge; G. Steuartt, balze, Alexander Setoun, minister at Banff; Alexr Wyncester, ane of the Counsel; Thomas Scheroune, ane of the Counsel; J. Wyncester, clerk.

66. Note of prorogation of the protection granted to [Mr John Oliphant] until 9th January next.

On the other side of the paper is a further prorogation, dated at Edinburgh, 9th January, 1634, to Mr John Oliphant, advocate, as narrated ante, p. 177. The document is much spoiled.

67. Note of proceedings apparently before the presbytery of Perth in the complaint of John Colt, mason, against Mr David Williamsone, minister at Kilspindie.

At Perth, 1st January, 1634. Compeared John Colt, mason in Perth, who gave in an accusation in writing against Mr David William- sone, minister at Kilspindie, that, as he and his servants were working at the kirk of Kilspindie, the said Mr David “bosted and minassedy him and put violent hand and strokedy him.” The brethren in their desire to show equity to parties, notwithstanding that it was against the Apostolic rule to receive an accusation against an elder without assisting witnesses, agreed to accept the accusation, the said John obliging himself
to stand by their determination in the matter, and also to prove his bill by witnesses. This he did and said he would produce witnesses, especially one Robert Foord, servitor to the Laird of Fingask, within the said parish of Kilsindie, as no other competent witnesses could be found. The said Mr David agreed to this as a sufficient number, with this provision, that, in case he had anything to lay to the charge of the said John, one unsuspected witness should in like manner be sufficient. This also was granted by the said John.

Whereupon the said Mr David gave in a bill of complaint against the said John Colt and his servants, Alester Maklaran and James . . ., that they “upbraidit the said Mr David and his beddell with many injurious and contumelious speaches for brakeing the tymber and yron worke of the kirke yeard yeatt, for pulling downe baks and couppels within the kirke and fylling thereof, for medling with the said Mr David’s tymber and treas,” and other particulars expressed in the libel. The brethren ordain both parties to have their witnesses ready against their next meeting, and both oblige themselves, the said Mr David by his subscription and the said John “be his marke usall, such as he uses in bargainings and indentours,” to stand to the brethren’s determination, and to abstain from any offence until the matter be judged, under the penalty of £40.

At Perth, 8th January, 1634. Parties and their witnesses having been called, Mr David Williamsone sent a written excuse that he had sustained a dangerous fall the previous night, which excuse was admitted, and John Colt agreed to supersede the matter until next meeting. The witnesses not compearing are ordained to be summoned pro secundo.

At Perth, 15th January, 1634. Robert Foord, servitor to the Laird of Fingask, in the parish of Kilsindie, being sworn by uplifting of his hand, and questioned about what took place, declares that as concerning the “scandalous words,” which are only generally libelled, he cannot testify until particular words are specified, but that “thar war many evill words on baith sydes.” As concerning “straiks,” he cannot on his conscience say that he saw Mr David strike the said John, but only after being provoked with outrageous words did “mint a straik” at him. Thereupon compear Alexander Lyndsay of Armebathe, lawful son of Alexander, Bishop of Dunkeld, in name of the whole heritors of the parish of Kilsindie, as he alleged, and protested that the brethren would not meddle with the civil part of the complaint given in by the said John Colt as not belonging to them. The brethren thereupon desired to see his commission, but this he refused to show, and his protestation was accordingly repelled, the brethren declaring that the said John had submitted the whole matter to them under his mark, and further that “now it was nott res integra bot past litis contestatum. The witnes was accepted, examined and had deponit.” Mr David
1634.  CHARLES I.  577

Williamsone thereupon took instruments in the hands of Patrick Ross, notary, and was ordained to summon his witnesses pro terto against the next day. The whole proceedings are extracted and certified by Mr Henrie Adamsone, scribe thereto.

68. Summons at the instance of Walter Howesoun, cordner in Fisherraw, against Patrick Edmonstone of Wolmet and others, as narrated ante, p. 176; dated at Edinburgh, 4th January, 1634, and signed Ja. Prymrois. On the margin is noted the decision of the Lords in the case on 9th January following; and upon the back are noted the depositions of several witnesses. Mungo Wright depones that the bailie—William Scot, bailie in Musselburgh—upon the complaint of Wolmet, committed the pursuer to ward and kept him therein four days. James Miller depones that upon Wolmet's complaining to the said bailie that the pursuer had sworn to burn his barnyard, and having proved the same by witnesses, and also made faith that he dreaded the pursuer would carry out his threat, the bailie committed him to prison until he found caution for Wolmet's indemnity, and for his remaining in ward three days. William Scobie depones that he knows the pursuer was in ward but nothing more.

69. Certificate by Alexander Anderson, messenger, as follows:—He 6th January 1634. Certificate by Alexander Anderson, messenger, in the case of George Fraser against Thomas Stewart, firar of Ryland, to prove the executions by him of charges in November last, and that they were made at the instance of the said Thomas Stewart against the said George Fraser. He is not able, either on horse or foot, to keep the 14th of January for which he is cited, but for obedience of the charge he has delivered the roll of the names which he received under the hand of the said Thomas Stewart, at whose command accordingly he served the charge, at his expense, and to whom he returned the letters duly executed. This roll he has delivered to the said George Fraser, and has written this certificate thereof at . . . . 6th January, 1634; witnesses, William Gordowne of Murailk, Walter Stewart in Ryland, brother german of the said Thomas, Mr Thomas Mortimer at the Mill of Bradouk, and Mr James Wynchester, notary, town clerk of the burgh of Banff. [Signatures.]

70. Roll of names referred to in the preceding paper of witnesses and others in the case of George Fraser in Outlaw [torn at beginning]. Roll of names referred to in the preceding paper.

7th January 1634.
Note of execution at the instance of Alexander McLean, sometime in Barvenack and now in Carisduoch, against Patrick Agnew and others.

71. Note of execution by Patrick Calbreth, messenger, of summons at the instance of Alexander McClaine, sometime in Barvenack and now in Carisduoch, and Andrew McClunquha in Dowis, in their complaint against Patrick Agnew of Barmaill, as narrated ante, p. 181; (1) on 7th January, 1634, against the said Patrick Agnew, John McCrotchert, John McKeachie, Fergus Lilburn and John McCormuch, at their dwelling houses, and then at the market cross of the burgh of Wigtoun, before these witnesses, Robert Maxwell in Clerkscroft in Knok, Robert Maxwell in Keroche, John McKie in Barvannock, John Dunce in Wigtoun, and John Carbreth there; and (2) on the same day against the foresaid persons, and against Robert Maxwell in Clerkscroft, John Maxwell in Barvannock, John McCrobie in Moure, David McBryne there, and John McCouthie, servitor to Edward Maxwell, to compear in the said matter as witnesses before the Lords of Privy Council upon 14th January next; witnesses to the service being William Maxwell of Munreith and John Dunce and John Calbreth in Wigtoun. There is also (3) Execution by George Gordon, messenger, on 10th January, 1634, against the said Patrick Agnew, Fergus Lilburn, and John McKeachie, all presently in the tolbooth of Edinburgh; witnesses, John Broun and William Lyndsay, posts in Edinburgh.

72. Note of execution by Patrick Anderson, messenger, of summons at the instance of Walter Howisone in his complaint against Patrick Edmonstown of Wolmet, narrated ante, p. 176; (1) on 7th January, 1634, against the said Patrick Edmestone of Wolmet and William Scot, bailie of Musselbruge, before these witnesses, George Thomson, meal-maker in the Potterrawe, Gilbert Bathcat, servant to the goodman of the Wolmet, Walter Smart, burgess of Musselbruge, and William Beir, tailor, indweller in Fischerrawe; and (2) on the same day against Mungo Wricht, cordiner, indweller in Leyth, James Miller, officer in Musselbruge, and William Scobie, tailor there, as witnesses, in presence of Walter Smart and William Beir foresaid.

10th January 1634.
Testific by Robert Hamilton, minister of God's Word at the kirks of Moonktoun and Prestuik in Kyle Stewart within the presbytery of Ayr, that William Dooke in Moonktoun, Hew Houstoun there, John Smith there, John Clarke there, John Dalrymple there, Adam Rae there, John Dooke there, Cuthbert Hunter there and William Cargill
there, were all summoned by John Cruixe in Kilmarnock, messenger, upon 3rd November last, "being the Sabbath day, after daylight going, to compear before the Lords of Council on Thursday, the 7th day of the said month; as also that William Fergushill in Prestuike, Adam and John Gottray there, John Neill, elder and younger there, Allan Duncan there, John Blair there, John Mowat in Newtown, Alexander Broun there, William Wallace there, John Hendirson there, William Wause there, and James Quentane there, were all summoned by John Houstoun, messenger in Ayr, to appear before the Lords of Council on 7th November last, to pass upon the assise of George Cochrane, burgess of Newtown, for his alleged adultery with Janet Watson, the wife of William Rodger in Ayr, and that by letters at the instance of Lord Traquhair, Treasurer Depute, and Sir Thomas Hope, his Majesty’s Advocate; and further that the said two messengers, by advice of James Stewart, apparent of Halrig, passed from the summons and took composition therefor from each of the persons above named, some less, some more. This the said minister testifies to be of verity and writes the same with his own hand at Moonktoun kirk, 13th January, 1634. (Signed) Mr Ro' Hammiltoun, minis' at Moonktoun and Prestuike.

74. Testificate by Mr Robert Montgomerie, minister at the kirk of Sanctkavox, that he was summoned by John MacCrae, messenger, at the instance of Sir Thomas Hope of Craighall, King's Advocate, and John Kennedie, notaury in Ayre, his informer, to compear before the Lords of Privy Council on 16th . . . . as a witness against James [Stewart, apparent] heir of Harig, John Houstoun and John Cruix, messenger, for abusing the lieges and taking compositions from them for warranting them to remain at home from passing upon the assise of George Cochren in Newtown; and that the said John Kennedie, considering that such a distraction from the work of the ministry would be very hurtful, has thought it sufficient that he should testify what he knows under his hand. He therefore certifies that John Cruix, messenger, came to the kirk of Sanctkavox and after divine service summoned several persons in the parish to pass upon the assise foresaid on the Thursday following, and that the said messenger received from John Bine, elder, and his son, John, a dollar and a half. But this was reported to him by others, for he saw it not himself. Dated at the kirk of Sanctkavox, 12th January, 1634. (Signed) M. R. Montgomerie, minister at the kirk of Sanctkavox.

75. Scroll of the decree of the Lords of Privy Council in the action by George Fraser against Thomas Stewart, as narrated ante, p. 179.

76. Scroll of the Decret in the case of Magnus Fraser and others against Thomas Stewart, fiar of Ryland, and others, as narrated ante, p. 180. On the back there is a note of the witnesses produced in the
77. Supplication by David Robeson, "quha is most wrongouslie haldin in waerd by Manasses Vantrolloir, praying your honorable lordships for Gods caus to relieve me at his hands." Their lordships know that he has a discharge of the horning for which he put him in ward, and that contrary to their ordinance he "sueris gif your lordships relive me to-day his sall put me in waerd to morne. I heave satisflet the beallzeis for laborowis to him. Hie gois and byes all the debitis that he can get knowledge I am awin to getth their power to arisst me in upon contemp. For the favore of God lett yowr lordships peittie my distreis wyfe and childrin quha is abill to leak for want of mentinance. Lett it pleis yowr lordship for Gods caus for his wrongous deasilinge with me to caus him pay jayvour fie this fourtie dayis quho hes upon malice holdin me in waerd that is awin him nothing, as ever I sall be reade all tymes to pray ewer for yowr lordships, and yowr lordships favor for Chryst sak I beseik." Undated.

78. Supplication by David Robeson, who lies still in ward at the instance of Manasses Votrolleir, notwithstanding their Lordships' ordinance last Council day, and is ready to famish for want of maintenance. He has caused cite the said Manasses by one of their Lordships' macers, and prays to be confronted with him before them so that order may be taken in his case. He will pray for their Lordships' happiness in this world and in the world to come. [On the back] Scroll of the Decree of the Lords of Council in the case on 14th January, 1634, as narrated ante, p. 182.

79. Supplication by John Cumming of Kirktoun of Aberlemno for a protection, as narrated ante, p. 182. [On the back] "... (torn) ... ary, 1634. Fiat ut petitur to the last of March. GEO. CANELL", GLASGOW, WINTOUN, KINGORNE, ANNANDAII, DUMFRIES.

80. Supplication by John Talbert, as narrated ante, p. 183. The document is so much destroyed that the endorsement cannot be made out, except so far that it is signed by the Chancellor I.P.D., and that the supplicant has found caution.

81. Summons in the complaint at the instance of Mr. Alexander Hamilton of Kinglassie, as narrated ante, p. 190; dated at Edinburgh,
18th January, 1634, and signed Ja: Prymrois. The summons is directed against James Carnes, and also against Thomas Paterson (?), George Hodge, Patrick Robertsone in Borrowstounness and others as witnesses (but whose names are illegible). On the margin is a note of the hearing of the case on 23rd January when the pursuer appeared but not the defender; and the latter is ordered to be charged to enter himself in ward. The pursuer is also ordained to pay two merks to each of his two witnesses. It is further noted that this day the defender compœred, and enacted himself to compœar upon Tuesday under a penalty of £100; and that the pursuer, who had already led probation, is ordered to do so again. The Lords also grant a protection to the pursuer for eight days. There is also noted the finding of the Lords in the case on 28th January, 1634.

On the back is noted the evidence of the witnesses:—George Hodge depones that the said James Cairnes had the charge of the complainer’s works and payment of his workmen, and that he has withdrawn several workmen from the coalworks, while Cairnes himself left the same fourteen weeks ago.

Patrick Robiesone testifies to the same effect.

On the 28th January, Alexander Crawford depones that James Cairnes was overseer of the pursuer’s works, and that the pursuer, having laid him in ward and taken a band of him, the defender left the works.

Robert Sympoe depones that for many years past Cairnes has been overseer of the defender’s works, and himself left the same and caused others to do so.

John Deane depones similarly, and that some of the workmen left the works owing to not receiving payment of their wages.

82. Testificate to the Lords of Privy Council that upon 7th January 1634, Mr David Williamsone, minister at Kilspindie and Raitt, comming from the towne of Scome to his owne house in Kilspindie was constrainit through the injurie of weather, wind and snaewe to wander and gowill in the hills for the space of sex or seven houres; and in end, quhilk is notoriously knowne to ane great part of the country, he fell of the highway along a steep bray threttie faddome deep or therby, as we ar crediblie informit within the den of . . . . . , wher, be God’s wonderfull providence, his lyff was miraculuslie safe; since the quhilk tyme he has been and presentlie is deceasit and under cuir, bruisit in his bodie and inwardlie lowsit in his bellie, swa that he can not travell from home bot with great hazard of his health and lif.” This the subscribers know and certify at Kilspindie, 19th January, 1634. (Signed) M. Ihone Grabhan, minister at St. Mertyns, Mr Ja: Fouller, minister at Kinfanis, Mr Johne Barclay, minister at Kinnerd.
83. Fragment of a summons dated at Edinburgh, 19th December, 1633, and signed Ja: Prymrois, on which there is noted as follows:—

"Apud Wigtomam, vigesimo die mensis Januarij 1634 yeirs. Thir letters with the executiounis thairoff, presentit be Archibald Dunbar of Baldoune, one of the complaniais thairin contenit, and registrat in the Shereff court buiks of Wigtoune, conforme to the Act of Parliament." (Signed) Tho: Mckie, clerk.

84. Writ of Consent by John Makculloch of Ardbell, Robert M’Allexander of Corseclayis, and John Inglis and John Fairholme, merchants, cumburgesses of Edinburgh, to the granting by the Lords of Privy Council of their protection to Alexander Makculloch of Myretoun for pursuing his debtors, provided it do not extend beyond the last day of March next; dated at Edinburgh, 23rd January, 1634, the deed being written by John Kennedy, notary burgees of Air. [Signatures.]

85. Supplication by George Chalmers of Balbithen, as narrated ante, p. 191. [On the back] “Apud Edinburgh, 28 January, 1634. Ordains the Laird of Meldrum to be wairnit to Thursdai next to heir the desyre of the bill granted. (Signed) Morton L.P.D.” Also Note of execution of this order on 30th January, 1634, by William Dowglas, macer, against Mr William Seatoun, personally apprehended, for his appearance the same day before the Lords of Privy Council; witnesses, Mr James Duirie in Dumfermling, and John Our, tailor in Edinburgh. There is also noted on the margin the proceedings in the case on 30th January.


87. Supplication by Alexander Aylies in Wester Beltie, as follows:— John Finlay in Wester Beltie has conceived a deadly hatred against him and seeks all occasions for taking his life. On thairwith, when the supplicant having of necessity lingered behind the rest, and the said John, taking advantage thereof, came behind his back and at unawares “first with ane great stone strake me behind the head till he felled me dead to the ground and than drew his sword and gave me manie cruel straikes thairwith, when I was lying on the ground, upon the head, arms and others parts of my bodie, to the effusiuon of my blood and perrell of my lyfe, qhairthrow I lay a long space in the burgh of Aberdeen under the cure of chirurgious and danger of my lyfe, to my utter wracke and undoing, being bot ane poore man.” He craves summons against the

88. Supplication by John McAlaster in
13th January last Thomas Grant of Dalvey, as follows:—On 3rd February 1634.
Patrick Grant of Culhoiche, Duncan Grant, his brother, and
Ferquhar, his servant, armed with swords, dirks, staves and other
weapons, came by way of hamesucken to his dwelling house in Callender,
broke up the doors thereof, stole the beds of the house and searched
for the suppllicant in all the corners thereof to have slain him. When
they failed to find him, they put violent hands upon his wife, hurt and
wounded her in various parts of her body, “kuist her behind ane kist
and left her for dead.” They also wounded Duncan, servant
to the suppllicant, with a dirk upon the head, and reft and took away a
hagbut and highland axe belonging to the suppllicant. [Cf. ante, p. 229].
He craves summons against these persons. [On the back] “Apud
Edinburgh, 3 February, 1634. Fiat ut petitur.”

89. Supplication by Alexander, Lord Forbes of Pitaligo, heritable
proprietor of the lands called Auldton of Wards, and Robert Forbes of
Auldton, his tenant thereof, as follows:—On 3rd February 1634.
George Gordon of Newton, Patrick Gordon in Glanderston, John Cruikshank in Knokin-
baird, and others, armed with “swords, bandit staves, dirks” and other
weapons, came to the said Robert’s house in Auldton of Wards, beset it,
dang up the doors thereof, and sought for the said Robert to take his
life. Missing him, as he was then from home, they cut down with
swords his whole growing corn, and pastured and herded a number of
cattle thereupon, so that the whole was destroyed and eaten. Further,
they continually lie in wait for him so that he dare not go about for fear
of his life. They crave summons against these persons. [On the back]
“Apud Edinburgh, 3 February, 1634. Fiat ut petitur.”

90: Supplication by Thomas, Earl of Hadintoun, tacksman of the
parsonage and vicarage teinds of the parish of Hadintoun, as follows:—In the tax roll of the said parish, made and set down for his relief of
the said teinds for the taxation of 1630 appointed to be taken for the
Lords of Session, the subtacksmen and possessors of the teinds of the
said parish are taxed termly in the sums aftermentioned, but they will
make no payment to him hereof for the four terms of the first taxation
and the first term of the last now bygone, unless compelled. He
accordingly craves that letters of charge may be direct compelling them
to pay the sums stated for each of the terms of the taxations above
mentioned, and if they fail therein that they be put to the horn and
poinded, etc. The sums for which they are liable are as follows:—
<table>
<thead>
<tr>
<th>LANDS</th>
<th>Taxation of 1630.</th>
<th>Lords' Taxation of 1635.</th>
<th>Miscellaneous Papers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sir John Sinclair for Templefeild,</td>
<td>£ 0 s. 9 d.</td>
<td>£ 0 s. 2 d.</td>
<td>£ 0 s. 1 d.</td>
</tr>
<tr>
<td>George Broon of Colstoun,</td>
<td>0 5 10</td>
<td>0 5 7</td>
<td>0 18 7½</td>
</tr>
<tr>
<td>Sir John Seaton of Barns,</td>
<td>0 18 1</td>
<td>0 16 1</td>
<td>0 6 0 ½</td>
</tr>
<tr>
<td>Sir George Towres of Innerleith for Easter</td>
<td>0 31 6</td>
<td>0 28 0</td>
<td>0 10 6</td>
</tr>
<tr>
<td>and Mid Carmellons,</td>
<td></td>
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<tr>
<td>John Towres of Harperden,</td>
<td>0 4 0</td>
<td>0 3 4</td>
<td>0 1 4</td>
</tr>
<tr>
<td>John Sinclair of Steinstoun,</td>
<td>0 30 6</td>
<td>0 23 10</td>
<td>0 10 2</td>
</tr>
<tr>
<td>Mr. John Dowgal for Nunlands,</td>
<td>0 8 2</td>
<td>0 7 0</td>
<td>0 2 9</td>
</tr>
<tr>
<td>Patrick Cohurne of Clerkington,</td>
<td>4 4 10</td>
<td>4 15 0</td>
<td>0 28 3½</td>
</tr>
<tr>
<td>George Hepburne of Alderstoun,</td>
<td>0 45 0</td>
<td>0 49 0</td>
<td>0 18 4</td>
</tr>
<tr>
<td>Sir William Baleie of Lamington,</td>
<td>3 15 8</td>
<td>3 7 0</td>
<td>1 5 7½</td>
</tr>
<tr>
<td>The Provost and bailie of Haddington for the</td>
<td>0 48 0</td>
<td>0 42 6</td>
<td>0 16 0</td>
</tr>
<tr>
<td>teinds of their acres,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thomas, Lord Binning, for Samuelstoun,</td>
<td>0 52 10</td>
<td>0 59 0</td>
<td>0 10 11½</td>
</tr>
<tr>
<td>Patrick Inglass for Elvingston,</td>
<td>0 39 6</td>
<td>0 33 0</td>
<td>0 13 2</td>
</tr>
<tr>
<td>John, Earl of Lauderdale, for Lethtington,</td>
<td>0 48 0</td>
<td>0 42 4</td>
<td>0 16 0</td>
</tr>
<tr>
<td>Sir Patrick Murray of Elbanke for Vgstoun,</td>
<td>0 22 2</td>
<td>0 20 2</td>
<td>0 7 6½</td>
</tr>
<tr>
<td>James Congiltoun for his acres in Hadintoun,</td>
<td>0 6 9</td>
<td>0 6 0</td>
<td>0 2 3</td>
</tr>
</tbody>
</table>


3rd February 1634.

91. Supplication by Sir Thomas Hope of Craighall, knight, King’s Advocate, and Alexander Corbat of Arboll and William Corbat of Midgery, as follows:—In violation of the law prohibiting the wearing of hagbutts and pistols and convocation of the lieges, Hector Dowglas of Muldarg, elder, Hector Dowglas, his son, Hector Androwsone alias Dowglas, William Dowglas, smith, Walter Dow, miller, Alexander Beg, Donald McRobert, George and John Strathe, Nicolas Ros, Donald Ros, miller, Walter Sutherland, Walter McCume, John McKene, William Gow, Andrew Bayne, Angus and Walter Denowne, Andrew McKay, Hew McCulloch, Donald Gray, Magnus Bell, Arthur Kinkell, Walter McComes, Walter Beg McAlaster, Donald McEricke, John Reache, younger, and Andrew Bell, all servants of the said Hector Douglas of Muldarg, with convocation of the lieges to the number of , armed with swords, staves, bows, darlocks and other weapons, and the forbidden hagbutts and pistols, came on October last, under cloud and silence of night, to the complainers’ lands of Easter and Mid Gary, assailed their tenants
there, and pursued them for their lives with drawn swords, wounding them on the head and elsewhere with effusion of their blood and leaving them for dead. Further, the said Hector Dowglas, younger, accompanied as above, came in like manner to the lands of the said Alexander Corbat of Arboll, and treated his tenants of the lands of Arboll similarly. They crave summons against the persons named. The petition is signed by Sir Thomas Hope. [On the back] “Apud Edinburgh, 3 February, 1634. Fiat ut petitur.”

92. Supplication by Sir Thomas Hope of Craighall, King’s Advocate, and John Grant, apparent of Ballindalloch, as party grieved, as follows:—In contravention of the laws against carrying firearms and inciting to the combat, William Grant of Cardellis, forgetting the many good offices that the said John Grant has done to him and the great trouble and misery he has sustained on his account in the recent heirships and hostility used against him by James Grant and his associates, for which he is most unthankful, and only because the complainer sued him at law for some money he was due to him on 3rd November last, sent the complainer a cartel inviting him to meet him on the following day, being Monday, at Bullmurren on the east side of Phones, “where he sould mainteane with his sword and targe that I have done him wrong; desyryng me to come my alone as he sould doe, and that our meiting sould be privie, be halfe hour to eight.” Further, because he declined “suche foolishbe motiouns, the said Williame resolved treacherouslie at unawars to surprise me and take my lyfe. And for this effect upon the 14 day of Januar last he, accompanied with Thomas Kynnaird, his servant, and Patrick Grant of Culcoiche, boddin with hacquebutes and pistolets filled with lead, dernoed thamselfses in ane busse of trees at the water side of Spey direct foregainst another part on the other side of the water qhubar I ordinarlie use to recreat myselfe upon my awin land,” and, as he was going about looking after his ploughs, the said William (“who had beene so liberall in his challenges and offers the while before”) and his accomplices, shot their muskete at him, the bullets of which passed close to him and fell among his feet, though by the providence of God he “verie hardlie escaped.” And upon the preceding day, being the [thir]teenth of January, the said Patrick Grant of Culcoioche, Duncan Grant, his brother, Ferquhar, his servant, Thomas Grant of Dalvey and servitor to the said Thomas . . . . [but this part is unfinished and scored through]. They crave summons against these persons. The petition is signed by Sir Thomas Hope. [On the back] “Apud Edinburgh, 3 February 1634. Fiat ut petitur.”

93. Supplication by Sir John McDougall of Dunolycht, knight, as 4th February 1634 follows:—Alexander McDougall, fiar of Dunolycht, his unnatural son, supplication has shaken off all fear of God and respect of him, his father, and become by Sir John
so dissolute and insolent as that he is resolved, "if he can find occasion to commit ane inhuman and unnaturall parricide upon me." To this end on 18th January last, accompanied by Sorle McEwin VeaEan alias M'Dougall in Ballimoir, Ewin M'Alaster Garve alias M'Dougal, Ewin M'Doull VeaEwin Roy alias M'Doull, domestic to the said Alexander, Ewin M'Ean VeaEwin Roy alias McDowell in Dwelleis in Gyleen, and John Molliche M'Tichean in Ballimoir, armed with swords, targes, bows and other weapons, he came by way of hamesucken to the complainers dwelling-house in Ardintrate in Corvorye early in the morning before they were out of their beds, violently broke up the doors, entered the house and put violent hands upon the complainor before he could get on his clothes, and but for his own better defence and the help of his servants they would have killed him. They afterwards broke up two doors and two locks within the close and masterfully carried away three cows "bound in the stoukes" and disposed thereof at their pleasure. He craves summons against these persons. [On the back] "Apud Edinburgh, 4 February, 1634. Fiat ut petitur."

94. Supplication by Patrick, Archbishop of Glasgow, Bishop of Ros, and Abbot of Ferne the time underwritten, as follows:—In the taxt roll of Ferne, which was made and set down in a court held at Tain on 22nd June, 1631, for the complainers relief of the taxation granted to his Majesty in July, 1630, the feuars, tacksmen and pensioners of the said Abbey are taxed as undernoted; but he can obtain no payment from them without compulsion. He therefore craves charges against them for payment within 20 days if they be in the country, and 60 days if they be furth thereof, under the pane of rebellion, viz.——Donald Neilson for his lands of Alvene, 28s. 4d.; Kenneth M'Kenzie for his lands there, 28s. 4d.; David Rosse for Wester Ferne, 42s. 6d.; Alexander Ros for the lands of Mid Ferne, £3 10s. 10d.; Isobel Ros for her land of Easter Ferne, £4 10s.; Donald Ros for his land of Easter Ferne, 28s. 4d.; Walter Ros for his lands of Innercharoun £7 1s. 8d.; the said David Ros for his lands in Westrey Downey, £7 1s. 8d.; Hew Mono for his lands of Rolorye, 14s. 2d.; Alexander and William Corberts for their lands of Easter Ganeyes, £9 18s. 4d.; William Corbert for his lands of Midganey, £4 19s. 2d.; Walter Innes of Innerbreky for Midganey, 47s. 7d.; Margaret Forbes for her lands of Midganeyes, 48s. 7d.; David Ros of Pitcalney for his lands of Wester Ganeyes, £5 6s. 3d.; Alexander Sutherland for Wester Ganeyes, £5 6s. 3d.; Isobel M'Intoshe and for the lands of Wester Ganeyes, £5 13s. 4d.; Andrew Denoun for his lands of Meikle Raney, 56s. 8d.; George Ros of Balnamuhw, for the lands thereof, £11 6s. 8d.; John Corbet for Little Raney, £5 6s. 3d.; Thomas Denoun for the lands of Little Raney, 35s. 5d.; Hector Dowglas, for his lands of Muldarg, £8 10s. 4d.; Isobel M'Intosh and for their lands of Doun of Ferne, £5 13s. 4d.; Hector Dowglas for his lands of Ballanerach, Maynes of
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Ferne, and mill thereof, £28 6s. 8d.; John Ferguson for his lands of Belbair, 42s. 7d.; Andrew Ros for the lands of Coilboil, Tullich and , £9 18s. 4d.; David Ros and for their lands of Lecchiouche, 14s. 3d.; George Monro for his lands there, 14s. 3d.; Angus McCulloch for his lands of Badferne, 28s. 4d.; the said David Ros and for salmon fishing in Bonach, 5s. 8d.; Mr Archibald Moncrieff for his pension, £7 1s. 8d.; and Mr Roger Mowat for his pension, 19s. 5½d.; and that for each of the four terms of the said taxation. [On the back] "Apud Edinburg, 4th February, 1634. Fiat ut petitur."

95. Supplication by Alexander, Earl of Eglinton, Lord of Kilwinning, 4th February 1634.

Similar supplication by Alexander, Earl of Eglinton.

As follows:—In the taxed roll of the lordship of Kilwinning, set down for his relief of the taxation granted to the Lords of Session in June last, the feuars and tacksmen thereof are taxed termly in the sums underwritten, but they refuse to pay the first term thereof unless they are compelled. He therefore craves letters against them to compel them to do so, and if they disobey to put them to the horn. They are as follows:—Hew Nevin for his portion of Achinmaid, with the teinds, 1s. 10d., and for his land of Darnbog, 6s. 7d. 3p.; James Quhyt for a portion thereof, 1s. 10d.; Andrew Gemmill for his portion thereof, 1s. 10d.; James Mure for his lands of Uttermure, 7s. 2d.; John Mur for his portion of Uttermure, 7s. 2d.; William Mur for his rent of Uttermure, 7s. 2d.; William Rid for his rent of Uttermure, 7s. 2d.; Robert Fergushill of that Ilk for Nethir Achintibber, 52s. 2d., and for Midle Achintibber, beside the teind, £3 4s. 3d.; William Hamiltoun for his land of Utterwood, 30s. 2d. 2f.; John Deine for Over Achintibber, 10s.; Hew Montgomery for his rent of Over Achintibber, 10s.; Andrew and Robert Mures for their portions of Over Achintibber, 10s.; David Cunyngham for his land of Cowblythe and Garmulle, beside the teind, £3 8s. 1d.; John Montgomery for his seven acres, 41s. 8d. 3p., and for his land in Byres, 9s. 8d.; Thomas Nevin for his land of Monkriidding, Guisland, Gaitmurland, Bannocht, and land of Corshill, £3 17s. 0d. 3p.; Katherine Hunter for the Nether Maynes of Kilwinning, 9s. 3d.; Jonet Cowper for her land in Nether Maynes, 21s. 7d. 3p.; Mr Gawine Hamiltoun for his land of Ardoch, Cassil tout, Woodsdy and lands about Kilwinning, £4 12s.; John Esdaill for his rent of Meirsyde, 9s. 10d. 3p.; Margaret Esdaill for her rent in Esdaill, 15s. 7d. 3 pf.; Hew Smith for Ridstoun and Brigend, 6s. 8d. 3p. 1f.; and for his fewit lands, 1s. 5½d.; John Boyman for his rent of Easter Brigend, 1s. 6d. 3p.; Bessie Lym for her land of Ridstoun, 1s. 9d.; James Dunlop for his land of Goeland 9s. 9d.; John Park for his rent of Dubs, Dalga and Corshill, 32s. 4d.; John Kid for his part of the Nether Maynes, 1s. 10d.; Jonet Frew for her land of Neddermaynes, 3s. 10d.; John Yong of Todholls for his rent thereof, 4s. 9d.; Archibald Bar for his land in Byresflat, 1s. 3d. 3p.; Mathew Bar for his land of Kilwinning, 1s. 2½d.; and for his land in Ashinyeards 2s. 4d.; John Hervie for his rent of Braiglie, 25s. 3d.; Barbara

1 p. = parts of a penny ; f. = farthings.
Montgomerie for her land in Milgarholme, 2s. 5d.; Steven Whyt for his rent thereof, 9s. 2d. 3p.; James Scoth for his rent thereof, 9s. 2d. 3p.; Christian Wallace for her rent of Monkland, £3 14s. 7d.; Alexander Hamiltoun for his lands of Grange and Killonok, £5 9s. 6d.; William Hammiltoun for his lands of Bonmur and Maynesh Hamilton, 50s. 6d. 2p.; Hew Ker for his lands of Foulwoodhead, Bogsyde, Bythishill, and Hinds yeard, 26s. 8d.; Bryce Blair for his land of Gartholme and Walkmyln, £3 1s. 7d.; James Blair for his land of Colraig, 9s. 8d.; Barbara Jamesoun for her land of Morishill, Maynsill, Bracanhill, £3 5s. 4d.; Robert Montgomerie, younger, for his land of Smysthoun, 30s. 9d.; Hew Montgomerie for his land of Wodsyd and Hirst Montgomerie, 27s. 1d.; Gawn Blair for Ester Kirkland, Straney, and Wodend, 57s. 7d.; James, Earl of Abercorn, for his rent of Moncastell, £9 5s. 6d.; James Dunlop for his land of Smysthoun Dunlop, 7s. 1d. 3p.; John Quhyt for his land of Byrhill and Smysthoun, 8s. 10d. 3p½.; Thomas Robson for Smysthoun Wat, 1s. 10d. 3p.; Alexander Whyt for his land in Byrehill, 7s. 9d. 3p.; John Crawford for his land there, 7s. 9d. 3p.; Adam Fairlie of Bog for his land thereof, 10s. 5d.; Mr John Thomson for his land in Ashyneards, Hoill, and Corshill, 9s. 4d. 3p½.; Margaret Yong for her land there and Whyt Hirst Russell, 13s. 1d.; Janet Geillis for Cranberrimes, 9s. 9d.; Hew Patrick for Thornydyk, Lauchlastland, Hamilstoun, and Thristieland, 9s. 8d.; James Patrick for his land and houses of Byrees, 4s. 8d. 3p. 2f.; Hew Montgomerie for Longfurd, Curthland and Brigend, 13s.; William Moreis for his land of Longfurd and Corshill, 18s. 10d.; John Richie for Richiestoun, 6s.; Mr John Garven for Dalga and Nether Maynes, 4s. 2d.; John Mitchell for his fiewt land, 2s. 4d.; Bessie Blair for her land in Pethfutt, 3s. 11d.; Thomas Watt for his land of Muscolloch, 5s. 5d.; Hew Bankhead for his land in Peth, 10s. 10d.; Hew Temptoun for his land in Corshill, 7s. 9d.; Alexander Galt for his land there, 1s. 11d.; Robert McClure for his rent there, 5s. 10d.; Mr Robert Pebles for his land there and Easter Brigend, 10s. 9d.; Margaret Cauldwell for her land there, 7s. 2d.; James Salmon for his land in Easter Brigend, 2s. 10d.; John Moreis for his land of Corshill, 3s. 11d.; Barbara Hamiltoun for his [sic] land in Bogsyd, 31s. 7d.; Gabriell Peterfield for his land of Kirkfield, 54s. 10d.; John Pebles for his land of Morischill and Pedderland, 22s. 3d.; WilliamRalston for Wodsyd and Barnland, £4 7s. 7d.; Mr William Cunningham for his rent of Overhill of Betyh, Bogsyd, and Foulwoodhead, 24s. 6d.; Patrick Connell for Granghill, 20s. 4d.; John Mershell for his land of Maynes Mershell, 11s. 3½d.; Hew, Viscount of Airdes, for his rent of Mershelland, Boghall, Nether Byth, Bigholme, Bogsyde, and Foulwoodhead, £4 12s. 7d. 3p.; Robert, Lord Boyd, for Barraiges, 7s. 3d.; Robert Montgomerie for his land of Willieyeard, 16s. 10½d.; Robert Maxwell for his land of Lyandcrooe, 54s. 10d. 2p.; James Hamiltoun for his land of Thripwood,
47s. 1 ½d.; Robert Cuningham for Quhythirst, 7s. 0d. 3p.; Robert Galt for Wodsyd, Hodinglaw, and Quhythirst, 9s. 7d.; John Weir for his land of Corshill, 1s. 3d.; James Cuninghame for his lands of Ashineyards, 20s. 1 ½d.; James Blair for Smyresbank, 2s. 5d.; Alexander Cuninghame for his land of Hiddenhill, Corshill, Smythstoun, Inward, Newpark, and other lands, £8 5s. 5d.; James Blair for his land in Kilwinning, 1s. 10 ½d.; Jean Blair for her land there, 1s. 10 ½d.; John Crawford for Kirkland and Kilbyd, 22s. 8d.; Robert Barclay for Pearsoun, 4s. 10d.; John Montgomery for Kirkland Stewerton, 40s. 3d.; George Campbell for the Kirkland of Louden, 4s. 9d.; James Campbell, wrytter, for the Kirkland of Stevinstoun, 2s. 11d. 3p.; Sir William Myne, elder, for his pension, 8s. 0d. 3p. 1 f.; Sir David Cunyngham for Kibirnie, 43s. 6 ½d.; Robert, Lord Boyd, for Law, Arneill, Boyd, Hamilstoun and Campbeltoun, £3 6s.; James, Lord Ros, for his teind of Tarbert, 19s. 1 ½d.; Robert Blair for the teind of Loochwood, 27s.; James Cuninghame for his teind of Caddell, Nether Uttington, 16s. 5d.; Robert Fergushill for Fergushill, Nether and Myddal Auchintibbards, 23s. 5d.; David Cuninghame for his teind of Cowbleeth, 7s. 8d.; Alexander Cuninghame for his teind of Potterton and Dowray, 15s. 0d. 3p. 1 f.; Thomas Niving of Monk-ridding for their teind there, Goosla, Bannocht, Gaitmureland, and Corshill, 18s. 9d.; Mr Gawn Hamilton for teind of Ardoch, Cassiltoun, and Woodsyde, 15s.; James Cuninghame for his teind of Ashineyards, 4s. 3d. 3p.; Bryce Blair, elder, for the teind of Grotholme and Monkcastell, 52s. 5 ½d.; Bryce Blair, younger, for teind of Longfurd, Neddermaynes, Pethfutt, 4s. 11d.; Hew Montgomery for teind of Over Smythstoun and Whythirst Montgomery, 10s. 7d.; Alexander Cuninghame for his teind of Blaksyd and Montgrenane, 22s. 10d.; Neil Montgomery for his teind of Langshaw, 21s. 2d.; James Dunlop for teind of Dunlop, 42s. 5d.; James Cuninghame for his teinds of Aiket, Anldhall and Bordland, 21s. 2d.; David Blair for teind of Peastoun, Holhous, Rodinghall, Overtoun, 28s. 3d.; Robert Barclay for teind of Pearstoun Barclay, Drumvie and Brydheuk, 16s. 9d.; Sir William Cuninghame for teind of Cuninghamheid, Midletoun, Drumvie and Caprinstoun, 11s. 10d.; Sir Robert Montgomery for teind of Oversheuche, 9s. 3d.; Robert Montgomery for teind of Hessilheid, 14s. 9d. 3p. 1 f.; Robert More for his land of Ramisheid, Bigert, and Heigga, 13s. 9d.; Mr Gawan Hamilton for teind of Rigbank and Crunnak, 7s. 2d.; Robert Ker for the teind of Overtoun, 22s. 2 ½d.; Bryce Blair for teind of Maynesving and Rodgersmailling, (?) 4s. 8d. 8 p. 3 pf; Kalsitone and William Mur for teind of Wodsyd and Turnerland, 9s. 6d.; John Crawford for teind of Kilbiren, 36s. 2d.; Sir David Cuninghame for teind of Glengarvok, 22s. 2d.; John, Lord Lowdon, for the kirk of Lowdon, £8 1s. 1d.; Robert, Lord Boyd, for the teind of the kirk of Kilmarronock, £20 17s. 10d. 2p.; William, Earl of Glencarne, for teind of kirk of Dregphorne, £5 2s. 5d.; Cuninghame for the
parsonage teind of the kirk of Stevinstoun, 27s. 9d. 3p.; Alexander Cuninghame for the teind of Corshill, 44s. 11d. 8p. 2i.; Sir David Cuninghame for the teind of Robertlands, 43s. 8d.; Alexander Arnott for the teinds of Lochrig, 8s. 10d.; Sir Thomas Boyd for his teinds of Ballanshaw and Lindsey, 13s. 3d.; David Cuninghame for the teind of Achinhervie, 19s. 10d. 3p.; Neill Montgomery for his teinds of Kilbyd and Mynstaniat, £3 10d.; Adam Montgomery for the teind of M'Bichill, 5s.; John Montgomery for his teind of Kokillie, 3s. 1d.; William Dunlop for his teind of Blook, 31s. 2d.; Alexander Cuninghame for his teind of Montgreenan, 12s. 4d.; Mathow Hislot for his teind of Kirkwod, 6s. 8d.; Bryce Blair for the kirk of Dalry, £9 18s. 4d.; An. Bishop of Argyle, for the teind of Kilmichacharmik, £18 2s. 6d.; to be paid within 20 and 60 days for persons in and out of the country respectively.

5th February 1634.
Supplication by Margaret Leslie, widow of James Leslie, alias Robsone, sometime servant to the Laird of Meldrum, as follows.—Yesterday, the 4th instant, their Lordships ordained the Laird of Pitcaple, who was personally present, to pay to her £40 for her expenses in coming hither to attend the procognition raised against her and her children by Mr William Hay of Badinspeck and Alexander Gairne of Blackfuird, as to the manner of the slaughter of her said deceased husband, but he refuses to pay unless compelled to do so. She craves letters against him for this effect. [On the back] “Apud Edinburgh, 5 February, 1634. Fiat ut petitur.”

5th February 1634.
Supplication by Mr. Alexander Kinneir, son of the deceased James Kinnear of , W.S., as follows:—William Lindsey of Birchuod, having a causeless hatred against him, has resolved to take his life, or do him some affront and disgrace. This he has avowed not only to the complainer, but boasts and threatens it in all public meetings and societies to which he resorts. The supplicant cannot therefore go about in safety, and therefore craves that officers of arms be directed to take his oath that he dreads bodily harm at the hands of the said William, and that he be charged to find caution for his safety. [On the back] “Apud Edinburgh 5 February, 1634. Fiat ut petitur, under the pane of . . .”

5th February 1634.
Supplication by Sir George Ogilvie of Bamff, tacksman of the teinds of the parishes of Gemrie and Avach, as follows:—He is charged to make payment of £40 for the teinds of the kirk of Gemrie and £68 for those of the kirk of Avach and lands of Innerthunie to the collectors of the taxations granted to his Majesty in August 1621, October 1625, and July 1630; and also of 20 merks for the teinds of the said kirk of Gemrie, and £22 13s. 4d. for those of the said kirk of Avach to the
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collectors of the taxation granted to the Lords of Session. He has neglected on some necessary occasions to set down a formal taxed roll for his relief at the hands of the sub-tacksmen and possessors of the said teinds, and they now refuse to meet for this purpose unless they are compelled. He craves letters charging them to do so, viz., those of the kirk of Gemrie at that kirk on , and those of the kirk of Avach at that kirk upon [On the back] “Apud Edinburgh 5 February, 1634. Fiat ut petitur.”

99. Supplication by Sir Thomas Hope of Craighall, King’s Advocate, and Sir Ludovick Howstoun of that Ilk, as follows:—Though the carrying of hagbuts and pistols is strictly forbidden by law, yet Robert Widdrow, sometime miller at the Mill of Howstoun, who is at the horn at the instance of the said Sir Ludovick for non-payment of his rent for the years 1631, 1632, and 1633, and against whom he has now raised letters of caption, has armed himself with the said weapons in order to defeat the execution of the law, and he has carried them daily since the month of , as he yet does, “boasting openlie that if I come to take him he sall have the fattest in my companie, and that he sould trouble and fashe me als long as he could, and when he could doe no more he sould burne his houses, barns, kill and myyne of Howstoun,” out of which he was lawfully ejected by decree of the Lords of Session. Further, on 3d February instant, he and his brother-in-law came to the said mill, armed with swords, hagbuts and pistols, and breaking up the doors thereof, scattered the supplicant’s malt there, and carried off certain gear. He craves summons against these persons. The supplication is subscribed by Sir Thomas Hope. [On the back] “Apud Edinburgh, 5 February, 1634. Fiat ut petitur.”

100. Supplication by James Liddell, late master of his Majesty’s pasture, as follows:—Their Lordships granted to him their protection for attending his Majesty’s service at his late being in Scotland, and there after, in recognition of his services, renewed the same till 17th February instant, because he had not received payment of his fees; and, the same necessity still continuing, he craves a prorogation of his protection. [On the back] “Apud Edinburgh, 6th February, 1634. Fiat ut petitur for the space of eight days before the dyet to be appointed for the compliance of the creditors and eight days after the same. (Signed) GLASGOW, WINTOUN, ANNANDAIL, LORNE.”

101. Supplication by Alexander Innes of Coits, patron of the kirk of Kynedder, as follows:—In the taxed roll of the parish of Kynedder, set down for his relief of the taxation granted to the Lords of Session in June, 1633, the feuers and tacksman of the said parish are taxed termly in the amounts after specified, viz.;—James, Earl of Murray, for the
against the Earl of Moray and others who refuse to pay their taxation in connection with the said parish.

teinds of Kynneder and Aikinhead, £10; Sir Robert Innes for the teind sheaves of Stayn and Ridhoill, 22s. 3½d.; Walter Innes of Ballornie for the teinds of Ballornie, £4 8s. 11d.; Robert Innes of Drany for his teinds of Meikle and Little Dranyes, Murtoun, Ardweat and his other lands, and vicarage teinds of the said parish, £10; Sir John Grant of Frewchie for the teinds of Forgie and Aulshauch, 8s. 4d.; Thomas Innes for the teinds of Otis, 27s. 10d.; Robert Leslie of Finrasie for the teinds of Finrasie, 27s. 10d.; and Alexander Gordoun for the teinds of Dippell, 11s. 1d.; but these persons will not pay unless they are compelled. He therefore craves letters against them to this end under pain of horning. [On the back] "Apud Edinburgh, 7th February, 1634. Fiat ut petitur."

8th February 1634.
Supplication by William Narne of , as follows:—His former servant, David Carnie, unmindful of the many good deeds the supplicant has done to him, has not only frequently threatened the country people who come to his coal heuchs to buy coals, but also upon 30th January last came to the supplicant’s coal hill where some of the country people had filled their sacks with his coal, and “with manie execrable oathees swore that heould cutt their secceis, cast down their loads and beate themselves, and for that effect went home to his hous neere by and brought furth ane Jedburgh stafe and come to my heuche hill therewith, and without respect to me, sometyme his master, he strake out sindre straiks at me with the said stalffe, and had not failed to have slaine me therewith, if some people in the heuche had not rescued me; quhilk is ane disgracefull attempt to suche ane unworthy fellow to commit upon ane gentleman of qualitie, sometyme his maister.” He craves summons against him. [On the back] “Apud Edinburgh, 8th February, 1634. Fiat ut petitur.”

10th February 1634.
Supplication by Janet Dowglas, sometime servitrix to the late Lady of Abircorne, as follows:—Adam Trumbill, sometime servant to the Marquis of Dowglas, was cited before the High Commission of the Kirk for contracting an unlawful marriage with Margaret Liddell, whom he conveyed to Inglend for this effect, and for slandering Mr Alexander Hamiltoun, “ane famous and actnaill minister at Lochwbinzoche” in the presbytery of Paisley, but fearing the event of his trial he failed to appear, and the Lords and others of the High Commission have ordained him to be put to the horn. She craves letters for having him put to the horn. [On the back] “Apud Edinburgh, undecimo Februarii, 1634. Fiat ut petitur. Geo: Cancellr., I.P.D.”

11th February 1634.
Supplication by Mr Patrick Forrest of Archerfeild, advocate and procurator fiscal for the Kirk, as follows:—Robert Rind, younger, in the Raws of Strabogie, having been cited before the High Commission of the Kirk for “his contemnuous and scandalous forme of living, for refusing
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to communicat and to repair to the kirk, and for resett of messe preiste, and for most undewtifull, unreverent and treasonable speeches aganis his Majestie," compteated not, and the Lords and others of the High Com-
mission by their decret of 5th February instant found "that the said Robert is a rebellious and arrogant person, ane contemner and vilipender of the ministries and disciplin of the Kirk, and ane impudent lyar upon his Majestie," and ordainit him to be denounced rebel, recommending the Lords of Privy Council to grant letters to that effect. These there-

105. Supplication by Neill, Bishop of the Yles, as follows:—He is charged to make payment to the Lords of Session of his part of their taxation due for the bishopric of the Isles, the abbacy of Icolmekill, the nunnery of Icolmekill, and the priories of Ardchattan and Oronse united to the said bishopric, but their Lordships know that he could not attend the diet for making a tax roll with the feuars, tacksmen and pensioners of the said bishopric, as he was not then provided thereto. The places appointed for the meetings for this purpose are very remote, and some of them are out of the diocese, and the most commodious place both for himself and the lieges is the town of Icolmekill. He therefore craves that their Lordships would appoint Icolmekill to be the meeting place in all future time for setting down of taxed rolls, and that letters may be granted to him for convening by charge all the feuars, tacksmen and pensioners of the bishopric there upon for making of the foresaid taxed roll. [On the back] "Apud Edinburgh, undecimo Februarij, 1634. Fiat ut petitur for a new dyet to conveene and sett down the stent roll. GEO. CANCELL., L.P.D."

106. Supplication by Elizabeth Bathcat, spouse of Archibald Pea, maltman in Eyemouth, as follows:—Their Lordships assigned to Mr John Home, minister at Eyemouth, the 11th instant for prosecuting her before his Majesty's Justice on a charge of witchcraft, for which after being kept a long time prisoner in the tolbooth of Dunce, and afterwards by their Lordships' warrant brought thence and kept in the tolbooth of Edinburgh, she was this day presented "upon pannell" and willingly offered herself for trial. She is most innocent of the said crime, and objected to the postponement of her trial, but, upon a statement by his Majesty's Advocate that her prosecutors and the saizers who were to sit upon her trial could not travel in "this tempestuous tyme," the Justice continued her trial till 11th March next. In all likelihood the weather will not be "so gentle and seasonable this moneth heerafter as it hes beene this while bygane;" but her persecutors purpose only by this procrastination and her long imprisonment to wreck the small estate of herself and her husband. She has always been reputed "ane honest
woman," and, as her heartiest desire is to be cleared of this foul charge, she will never decline the strictest trial the laws will permit. Her husband has been at exorbitant charges this while past for her maintenance and "chamber mail," and is not longer able to undergo these, and it is not equitable that she should be kept in prison to please her party and he not made to pay the expense thereof seeing she has never refused obedience to any citation. She therefore craves that she be relieved from her warding in the tolbooth and confined within the burgh of Edinburgh till the day of her trial, for her abiding whereat she is willing to find caution. [On the back] "Apud Edinburgh, undecimo Februarij, 1634 Ordaineth the pairtyis to be wairmit. GEO. CANCELLAr., I.P.D."

107. Supplication by the provost, bailies, council and community of the burgh of Stranrawer, as follows:—The late King, his Majesty’s father, for good considerations affecting the credit and welfare of the kingdom, and especially for promoting commerce and trade with Ireland, erected their burgh with its haven and harbour into a free burgh royal, and they petitioned his Majesty and the Estates in the late Parliament for a ratification thereof. This was opposed by the magistrates of the burgh of Wigtoun and their commissioners, and, there being no time to deal with the matter owing to more weighty and urgent business, his Majesty and the Estates recommended the petition and counter petition from Wigtoun to the consideration of their Lordships, agreeing that their decision in the matter should have the strength and force of an act of Parliament. They therefore crave that the provost and bailies of Wigtoun may be cited to hear and see their ratification passed and exped and the extract of their Lordships’ decreet given to the Clerk Register to be inserted in the Books of Parliament. [On the back] "Apud Edinburgh, undecimo Februarij, 1634. Fiat ut petitur. GEO. CANCELLAr., I.P.D."

108. Supplication by James, Marquis of Hamilton, Collector General of the Taxations granted to his Majesty in June last, and Sir Thomas Hope of Craighall, King’s Advocate, and George Thomesoun, W.S., their informer, as follows:—In the Parliament held at Edinburgh in June last it was ordained that notwithstanding of any Act of Parliament formerly made allowing interest of £10 to be taken for each £100, no person should after the date of the said Act take more than £8 per £100, whereupon in gratitude for the benefit hereby conferred upon the whole lieges, the Estates made a voluntary offer to his Majesty for the next three years of the £2 per cent. thus saved to borrowers; it being provided that those who formerly borrowed money for 8 per cent. should be free of this payment, but that those who should now borrow money at this rate should pay the other 2 per cent. for the said three years. His Majesty,
understanding that many persons had endeavoured to evade this statute and defraud the revenue, directed his missive to their Lordships recommending to them that when any persons shall be cited before them for this offence they proceed with expedition to their trial by examining of the notaries and witnesses who may be thought accessory to their proceedings, and punish such as they find guilty in an exemplary way. Now, since the date of the said Act of Parliament the said George Thomesoun made a bond for £1000 to David Beatsoun of Cardon in August, 1633, to be paid at Martinmas, 1633, containing interest at 8 per cent., but the said David, to evade the said Act, antedated his bond as having been made in May or June of that year. The witnesses to this bond were Mr David Kinghorne, clerk of Dysert, John Low, his servant, and George Thomesoun, son of the foresaid George. Again, the said David Beatsoun, having borrowed 3000 merks from John Tennent in Kirkaldie at 8 per cent. after the date of the said Act, antedated it also, and it is subscribed by Robert Frenche in Kirkaldie and Thomas Adame as notaries. Further, he borrowed since the date of the said Act 2000 merks at 8 per cent. from Robert Challen in Grangemyre and James Dewar his "good sone " and antedated the bond he granted therefor, to which Walter Duncan, clerk of Kinghorn, is notary or witness. Moreover, the said David Beatsone, being debtor to James Tod of Powguld in 2000 merks, for which he has paid him interest at 10 per cent. for the past ten or twelve years, has since the date of the said Act renewed the bond for this sum at 8 per cent. and antedated it, as if it had been made before the said Act; and to this bond the said Walter Duncan is notary or witness. They therefore crave that the persons above-named, viz., David Beatsoun, John Tennent, Robert Challen, James Dewar and James Tod, may be summoned and charged to produce the said bonds, and underlie such punishment as their crime may deserve. Signed by Sir Thomas Hope. [On the back] "Apud Edinburgh, undecimo Februario', 1634. Fiat ut petitur."

109. Supplication by John Fleming, custumar-depute at Brunskilland, 18th February 1634.

Supplication by John Fleming, custumar-depute at Burntisland, 1884.

as follows:—On the 11th instant he was discharging his duty of "customing" some goods in a ship of Kirkaldie, called the Joseph, belonging to Matthew Andersoun there, when he found a hundredweight of tobacco uncustomed and entered as belonging to Mr William Cob, merchant of Dundie, which the supplicant seized to be forthcoming to his Majesty's use, whereupon the said Mr William and some others came to him, put violent hands upon him, "disgracefullie strake me with thair falded neffes, violentlie ret the tobacco from the workemen who wer carying the same." He craves summons against them. [On the back] "Apud Edinburgh, 13 February, 1634. Fiat ut petitur."

110. Supplication by Alexander McClune, sometime in Barvennak, 18th February 1884.
Supplication by Alexander M'Cune and Andrew M'Lamqua, for the apprehension of Patrick Agnew and others who remain defiantly at the horn.

now in Carisdouche, and Andrew M'Lamqua in Dowis, as follows:— Miscellanea Papers.

On 31st January last, Patrick Agnew in Barmaill, John McCathie there, Fergus Liburne in Meikle Berintrie and John M'Carnick in Mowne, were put to the horn at their instance for not entering to ward within the tolbooth of Edinburgh until order should be taken with them for some insolence committed by them upon the suppliants. They take no notice hereof and the suppliants therefore crave that charges may be issued against all sheriffs, stewards, bailies of regalities, magistrates of burghs, and all other judges and officers for their apprehension. [On the back] “Apud Edinburgh, 13 February, 1634. Fiat ut petitur because the Lords hes seen the letters of horning within writtin dewlie execute, indorsat and registrat.”

13th February 1634.

Supplication by James Naismith, merchant burgess of Edinburgh, assignee of Dame Marie Stewart, Countess of Atholl, and Captain Peter Rollock, now her spouse, in the matter underwritten, as follows:— On 31st August last, John, Earl of Atholl, was put to the horn at the suppllicant’s instance for non-payment of £1000, with £100 of expenses and 500 merks payable at Whitsunday last, but he goes about regardless thereof. His contempt is all the more intolerable because of the ground of the horning. The said Dame Marie Stewart was provided in jointure to the lands and barony of Ridicestell extending to about sixty-six chalders of victual, and, being in great heaviness and sorrow for the death of her husband, and a “simple noblewoman ignorant of the lawes,” she was immediately thereafter circumvented by the said Earl and his uncles to submit all differences between the said Earl and her to the arbitration of his friends. They, against the duty of honourable arbiters, decreed that she should only have 500 merks of liferent yearly, but this after long process before the Lords of Session she reduced, and they ordained that she should receive £1000 of expenses and 1200 merks yearly. Of this, however, she has never received any payment, and it is for this that the Earl has passed to the horn, “leaving the noblewoman, who is his mother sister, in great distresse and miserie.” He craves that letters of treason be issued against the Earl for entering himself in ward within the castle of Blackness, and rendering his houses. [On the back] “Apud Edinburgh, decimo tertio Febrarly, 1634. Fiat ut petition. Morton, L.P.D.”

14th February 1634.

Supplication by Janet Watsoun in , as follows:—

On 6th February instant she was doing her business in the burgh.of the Cannogait when William Kein, servitor to the Laird of Quythill, “craftifie entysed me to goe to the place of Quythill, and my young infant in my arme,” and presented her before the Laird alleging that she was in debt to him. Thereupon both conveyed her to Mussilburgh and without decree, sentence or any lawful warrant, committed her and her
infant to ward there within the tolbooth, where they presently remain for
in great misery. She craves summons against these persons and a charge to the bailies of Mussilburgh to exhibit her before their lordships for her liberation. [On the back] "Apud Edinburgh, 14 February, 1634. Fiat ut petitur with the ordinari provisoun."

113. Supplication by Archibald Torrie of Bervick, messenger, as follows:—Upon 13th February instant their Lordships granted decrees against Thomas and Robert Dunbar, sons of John Dunbar of Moynes, ordaining them to pay to him 500 merks as a fine for the insolence committed by them upon him; but this they refuse to pay unless compelled. He therefore craves letters to charge them to do so upon pain of horning. [On the back] "Apud Edinburgh, 14 February 1634. Fiat ut petitur."

114. Supplication by George and David Rollock in Leidnocht and Christian Donaldson, spouse of the said David, as follows:—Patrick Gray, porter of Leidnocht, Janet Blair, his spouse, William Gray, his eldest son, and Patrick Syme, his sister's son, with the concurrence of John Young, John Donaldson, and Patrick Wilson, his tenants in Leidnocht, and William Watsoun, his servant, have most cruelly and with great violence oppressed the supplicants. Particularly on 8th September last the said Janet Blair, William Gray, her son, and Patrick Syme, in the "silence of night came and maist cruellie cuttit the cott o' myneth the said Davides dochter, being ane bearne of nyne yeir auld, and, the said Cristane Donaldson, hir mother, cumming to releiff hir said bearne, the said Patrik Syme tuik hir about the vyest quhill the said William Gray brake ane grit staff upon the smal of hir bake, sua that the said Cristane hes ever bene sensyne in perrill of hir lyiffe and hes partit with quyick bearne and the bearne murdureist in hir woomb. And immediatlie thereafter the said Janet Blair with the said tennentis came and stonit me, the said George Rollock, with stonis, I being ane auld man of fourscor yeiris, and fleing unto my house, dang upp my duiere, calling me fals commoun theft, scho suld haif my lyiff, quhilk scho wald haif teane war nor God maid the peapill of the toun to convene about the hous." That same night, when he afterwards went out to look at his corn, "quhilk was ewil eattin with thair gryise and bestial, the said Patrik came upone me on horsebake and presst sy to ryde over me and strak me with ane staff on my craigg and schuldoris." Further, on 23d September the said David lay in wait for David Rollock's life while he was going with a hook to shear his corn, "brak ane grit staffe tua several tympe upone my schuderias and armes, and thairefter intendit with the concurrence of William Watsoun, his servand, to cast me over the heucht of Bachie Burne in Deiris Weill in Almound," so that they cannot labour their lands nor go peacefully about their affairs for the
malice of the said Patrick and his wife and tenants. [The remainder of Miscellaneous Papers.
the supplication is torn away. On the back] “Aput Edinburgh, 
decimo quarto February, 1634. The Lords ordains the parteis com-
pleanit upon to be charged to compeir before the Counsell to answer
under the pane of rebellion, with certification.”

16th February 1634.
Supplication by Andrew, Bishop of Argyle, for the taxation of his bishopric.

115. Supplication by Andrew, Bishop of Argyle, as follows:—He
has been charged to make payment to the collectors of the taxations of
August 1621, October 1625, July 1630, and that granted to the
Lords of Session, of what is due from the bishopric of Argyle, but there
has no taxed roll been made for the diocese in respect that other
important affairs with which he was burdened prevented this being
done. He craves letters against the feuars, tacksman and pensioners
of the bishopric to charge them to appear at the burgh of Innerara on
and join with him in making the said roll. [On the back]
“Aput Edinburgh, 15 February, 1634. Fiat ut petitur.”

17th February 1634.
Royal letter anent the duty on exported coal.

116. Original of royal letter as to the duty upon exported coal, printed
ante, p. 217; dated at Whitehall, 17th February, 1634, and addressed
on the back to the Earl of Kinnoul, Chancellor of Scotland and
remenant Earls and others of the Privy Council of Scotland.

18th February 1634.
Supplication by James Tennent, servitor to William Murray of
Natoun, as follows:—On 13th February he obtained decree before
their Lordships against Mr John Keith, servitor to Mr Thomas Nicol-
soun, younger, advocate, ordaining him to pay to the supplicant £30 for
hurting and wounding him with a whinger in the arm when his Majesty
was lately in Edinburgh, but this he refuses to pay. He craves letters
to compel him to do so. [On the back] “Aput Edinburgh, 18 February,
1634. Fiat ut petitur.”

117. Supplication by James Tennent, servitor to William Murray of
Natoun, as narrated ante, p. 365. They crave a summons against him. [On the
back] “Aput Edinburgh, 18th February, 1634. Fiat ut petitur.”

18th February 1634.
Supplication by James Tennent, servitor to William Murray of
Natoun, as narrated ante, p. 365. They crave a summons against him. [On the
back] “Aput Edinburgh, 18th February, 1634. Fiat ut petitur.”

119. Supplication by Dame Barbara Foster, widow, and John, Alex-
der, William, Margaret and Agnes Levinstoun, lawful children of the
decesed Sir David Levinstoun of Donypace, as follows:—Through the
death of the said Sir David they are “driven to the extreme poyn
t of necessitie and want, having nothing for the present to inteerneie”
them. The escheat and liferent of the defunct has been dispooned to the
Laird of Lawriestoun, and he and the rest of her husband’s creditors
having obtained possession of his entire estate, both lands and goods,
“alotgiddre misknew me, the said Dame Barbara, and my poore children,
and will allow us nothing,” so they are like to starve. They had accord-
ingly petitioned his Majesty, who has been pleased to recommend the matter to their Lordships, directing them to summon the creditors of the said Sir David before them and deal with them to grant a reasonable maintenance out of his estate to his widow and children. The supplicant craves that this may be done. [On the back] "Apud Edin-
burgh, 18 February, 1634. Fiat ut petitur."

120. Supplication by Dame Barbara Forrester and her children, as in the foregoing petition, that, whereas Alexander Stratoun of Low-
restoun has the gift of the escheat and liferent of the deceased Sir David Livingstoun, her husband, he intends, by disposing of it at its lowest value, to appropriate the whole to himself and so defraud the other creditors of what is due to them, while if the same were disposed of at its full value it would not only pay him and all the creditors but also provide a competency for the maintenance of the suppliants; who therefore craves that their Lordships, in terms of his Majesty’s recom-
recommendation, will so direct that this may be secured. [On the back] "Apud Edin-
burgh, xviiij February, 1634. The Lords ordains the creditors to be summoned to the effect within-writtin. GEO. CANCELL., I.P.D."

121. Supplication by William, Earl of Mortoun, Lord High Treasurer of Scotland, and John, Earl of Tracquier, Deputy Treasurer, as follows: —On 13th instant their Lordships ordained Robert and Thomas Dumbar, sons of John Dunbar of Moynes, to pay to the suppliants and the receivers of his Majesty’s rents 1000 merks as a fine imposed upon them for wounding Archibald Torrie, messenger, in the execution of his office, but they will not pay the same unless they are compelled. They therefore craves letters charging them to do so. [On the back] "Apud Edin-
burgh, decimo octavo Februariij, 1634. Fiat ut petitur."

122. Supplication by John, Lord Areskine, narrating the steps he has taken at great personal expense in promoting the reform of the tanning and barking of leather, and declaring that while many of the most skilful and enlightened of those who follow this craft have embraced the same and conformed to the laws, yet some of the most ignorant, as viz. — refuse obedience. He therefore craves summonses against such. [On the back] "Apud Edinburgh, 18 February, 1634. Fiat ut petitur."

123. Supplication by Sir Thomas Hope of Craighall, King’s Advocate, and the provost, bailies and counsel of Innermes, parties grieved, as follows: —Diverse Acts of Parliament made by his Majesty’s royal predececssors, specially an Act by King James the Second in his fourteenth parliament, cap. 78, forbidding “all commotions and raising of the

The supplicants crave letters against the persons named, charging them
to appear before their Lordships in this matter. Signed by Sir Thomas
petitur.”

124. Supplication by James Lawrie, reader at the kirk of Halyruda,
and one of the late musicians of his Majesty’s Chapel, as follows:—During his Majesty’s recent visit to Scotland he had contracted some
debts in attending his charge, expecting that his Majesty’s Treasurer
would have paid his fees and so enabled him to pay these debts. But
he has received no payment, and now having entered on this service as
reader his creditors are impatient and threaten him with all legal
execution and the loss of his said office. He therefore craves a protection
from their Lordships. [On the back] “Apud Edinburgh, 16 February,
1634. Fiat ut petitur to . . .”

125. Supplication by John Maxwell of Castelmilk, as follows:—He is charged to compeare before their Lordships to answer to a complaint
by Patrick Thomsoun, servitor to Sir John Charters of Amisfield, which
is now submitted to the arbitration of the Earl of Dumfreys, and the Castelmilk for
Lairds of Lag and Conhaith. He is to attend these gentlemen here in
Edinburgh, but is disabled by some civil hearings; and he therefore
craves their Lordships’ protection. [On the back] “Apud Edinburgh,
20 February, 1634. Fiat ut petetur to . . .”

126. Supplication by Alexander Dunbar, son of Robert Dunbar, apparent of Mynnes, as follows:—On 14th instant their Lordships
ordained him to remain in Edinburgh for eight days until he should find
caution in the books of Privy Council in 1000 merks for the indemnity of Archibald Torrie, messenger. He is but a young man not
yet provided to any settled estate, either in lands or money, so that it is
impossible for him to find this caution. And as for Archibald Torrie,
he cannot justly allege that ever the supplicant wronged him or gave him
cause to think he intends to do so. However, he is content to exact
himself for his safety in 300 merks, which is the highest penalty with
which he can be charged, and craves that their Lordships will accept
Ordains the supplicant to act himself to the effect withinwritten under
the pane of jth merks. MORTON, I.P.D.”

127. Supplication by Gordoun of Geyght, as follows:—His ordinary pastor, the minister of Monikie, has pronounced the sentence of
excommunication against him for his “not resolution in some headis and
pointis of my religioun wherof I stand in doubt,” and by reason thereof
he has no free resort in the country and is debarred from pursuit and
defence in actions at law before the Lords of Session and other judges. His not being resolved proceeds not from "a wilfull, obstinate and obdurate refusall to heir conference and to use the ordinary means of instructioun and informaition," as he is most anxious to be "cleirit and satisfied in thir my doubts, thair being nothing earthlie that I so mutche affect and whairin I am so instant with my prayeris unto God as to be trewele informit and satisfait with thir pointis; and for this effect I am in conference with my awne minister and am to mak my addresse to my Lord of S' Andrie and other prelattis of the Kirk, and to deale with thame for my instructioun and informaition." That he may therefore attend this and his other business in safety he craves their Lordships' protection. [On the back] "Apud Edinburgh, xx February, 1634. Remittis to the Bishop of Brechine. Morton, I.P.D."

128. Supplication by Robert Snype, burgess of Glasgow, as follows:—He was cited by John Ramsay, messenger, at the instance of John Knox of Ramfurlie, to appear before their Lordships as a witness in his complaint against Alexander Cochrane of that Ilk on 18th February instant. He accordingly came with his man and horse to Edinburgh and was ready to appear and depone, and has awaited since to be called. He left Glasgow on the 15th and so has been for six days at great expense with his man and horse, but the parties have not insisted in the complaint. He craves that their Lordships would modify his expenses for these six days and other two before he will reach Glasgow, and ordain the Laird of Ramfurlie to pay the same. [On the back] "Apud Edinburgh, 20 February, 1634. The Lords modifies to the supplicant four punds of expense to be payed be the producer. Morton, I.P.D."

129. Supplication by John, Lord Yester, as follows:—He has been charged for payment of 30s. for each pound land belonging to him for the taxation of 1630, and of 10s. for each for the taxation granted to the Lords of Session. His vassals, sub-vassals, ladies of terce, conjunct fiars and liferenters of these lands should relieve him for the last two terms for which he is thus charged, but they will not unless compelled. He therefore craves letters for this end. [On the back] "Apud Edin- burgh, 21 February, 1634. Fiat ut petitur."

130. Supplication by John Ramsay in Fraserburgh, Alexander Fraser, servitor to William Hay, Walter Carno, Alexander Harper and George Prat there, and James Tailyeour at the Windycut, as follows:—They were produced before their Lordships on the 18th instant by Alexander Fraser, elder, of Phillorth, in his action against his son, and their Lordships modified as their expenses 10 merks to each of them, being horsemen, and £4 to each of them, being footmen, to be paid to them by the said Laird of Phillorth, elder. This he refuses to
do unless he is compelled. They therefore crave that he be charged
to pay ten merks each to John Ramsay, Alexander Fraser, Walter
Carno and Alexander Harper, and six merks each to James Tailyour
1634. Fiat ut petitur."

131. Supplication by Alexander Mylne, now servitor to James Fraser
of Tyrie, as follows:—On January, 1633, he was in the house of
William Cassie in Chappeltoun doing his lawful business when Alexander
Charles, elder, in Skelmure, William Charles, his son, Alexander Charles
younger, there, and the said William Cassie and Patrick Cassie, his son
George, Patrik and Robert Wods in Ardo, Francis Hay in Chappeltoun,
John Bannerman in Pickiltillim, Andrew Gib, Andrew Cooke and John
Daniel in Percoak and Robert Cruden at the Mill of Forrest, "first verie
shamefullie urged me to drink out ane quart stoupe full of drinke at one
drink, quhilk I having with reason refused, they cruellie and unmerci-
fullie persewed me of my lyffe with drawin swords, whingers and trees,
gave me manie bauche and blae straikes thairwith in diverse parts of my
bodie, threw me to the ground, barbarouslie and cruellie strake, hurt
and wouddit me with thair said weapons, and with thair hands and feit,
reft ane sword from him [sic] quhilk perteanned to John Fraser, Tutor
of Techmure, his master, and wes worth ane hundreth merkes, broke the
same in piece upon stones, rent and tare his doublot being of quyhte
satein lynnth with taffatie worth 50 fl., and siclyke rave his breekes,
quhilkas wer of rid skarlet with two gold lace upon the same, worth 40 fl., rave his band of cutt work qhilkas wes worth twentie merkes,
togidder with ane brodered sword hinger worth ten punds; and reft his
purse from him with the moneys being therein worth fourty merks or
thereby." He craves summons against them. [On the back] "Apud
Edinburgh, vicesimo primo Februario, 1634. Fiat ut petitur."

132. Supplication by Charles, Earl of Dumfermline, as follows:—22nd February
1634.
He has been charged for payment of the four terms of the taxation of
July, 1630, being 30s. termly, and also for the first term's payment of
10s. of the taxation granted to the Lords of Session, and that for every
pound land he possesses; but his vassals and others, who ought to relieve
him, will not do so unless they are compelled. He therefore craves
charges against them to this end. [On the back] "Apud Edinburgh,
22 February, 1634. Fiat ut petitur."

133. Supplication by Sir Thomas Hope of Craighall, King's Advocate,
and William Bennett of Grange, as follows:—Although the cutting of
green wood and destroying of plantations have been forbidden by law
yet in the months of June, July, August, September, October, and
November last, and also in January now bygone, Ragwell Bennett of
well Bennett and James Turnbull for injuring the supplicant's timber.

Chesters, and James Turnbull in the Grange, at his instigation, have come to the supplicant's place of Grange and taken away some twenty growing trees, greatly defacing his place and policy. They crave summons against these persons. [On the back] "Apud Edinburgh, 24 February, 1634. Fiat ut petitur."

25th February 1634.
Supplication by Janet Gourlay, sometime servitrix to the late Lady Abercorne, as follows:—On 31st January last she obtained decree before the Lords and others of the High Commission of the Kirk against Adam Turnbull, servitor of William, Marquis of Dowglas, ordaining him to pay to her for her expenses and aliment since the date of two decrees recovered by her against him for solemnizing marriage with her, the one dated 20th March, 1627, and the other 4th July, 1632, she being his declared spouse, the sum of 200 merks and 100 merks yearly for her maintenance so long as he refrains from marrying her and adhering to her, with 20 merks additional for each year's failure. He refuses to obey, and she therefore craves letters to compel him. [On the back] "Apud Edinburgh, 25 February, 1634. Fiat ut petitur. Geo : Cancell.*, I. P. D."

25th February 1634.
Supplication by George, Marquis of Huntly, as follows:—He has been charged at the instance of James Crichtoun of Fendracht to find caution in their Lordships' books in 10,000 merks for the safety of him and his men, tenants and servants. This is far above the amount prescribed by law for lawburrows by noblemen, which should only be £1000. He therefore craves modification, but meanwhile has found caution for obedience if their Lordships so decern. [On the back] "Apud Edinburgh, 25 die mensis Febrarij, 1634. Fiat summonitio ut petitur to the 24 day of Junij nixt and to suspend and discharge ut infra to the last day of the same moneth, becaus the compleaner hes found caution to the effect within writtinn."

25th February 1634.
Supplication by Patrick Alexander and others as narrated ante, p. 268, adding Janet Leslie, widow, in Kirktoun of Oyne, against Adam Abircombie of Aldrayne. [On the back] "Apud Edinburgh, xxv die mensis Febrarij, 1634. Fiat summonitio ut petitur to the third day of Junij nixt, and to suspend and relaxe ut infra to the . . . of the same moneth, becaus the compleaners have found caution to the effect within writtinn. Geo. Cancell.*, I.P.D."

25th February 1634.
Supplication by George, Marquis of Huntly, anent the taxation of July, 1630.

134. Supplication by Janet Gourlay, sometime servitrix to the late Lady Abercorne, as follows:—On 31st January last she obtained decree before the Lords and others of the High Commission of the Kirk against Adam Turnbull, servitor of William, Marquis of Dowglas, ordaining him to pay to her for her expenses and aliment since the date of two decrees recovered by her against him for solemnizing marriage with her, the one dated 20th March, 1627, and the other 4th July, 1632, she being his declared spouse, the sum of 200 merks and 100 merks yearly for her maintenance so long as he refrains from marrying her and adhering to her, with 20 merks additional for each year's failure. He refuses to obey, and she therefore craves letters to compel him. [On the back] "Apud Edinburgh, 25 February, 1634. Fiat ut petitur. Geo : Cancell.*, I. P. D."

135. Supplication by George, Marquis of Huntlie, as follows:—He has been charged at the instance of James Crichtoun of Fendracht to find caution in their Lordships' books in 10,000 merks for the safety of him and his men, tenants and servants. This is far above the amount prescribed by law for lawburrows by noblemen, which should only be £1000. He therefore craves modification, but meanwhile has found caution for obedience if their Lordships so decern. [On the back] "Apud Edinburgh, 25 die mensis Febrarij, 1634. Fiat summonitio ut petitur to the 24 day of Junij nixt and to suspend and discharge ut infra to the last day of the same moneth, becaus the compleaner hes found caution to the effect within writtinn."

136. Supplication by Patrick Alexander and others as narrated ante, p. 268, adding Janet Leslie, widow, in Kirktoun of Oyne, against Adam Abircombie of Aldrayne. [On the back] "Apud Edinburgh, xxv die mensis Febrarij, 1634. Fiat summonitio ut petitur to the third day of Junij nixt, and to suspend and relaxe ut infra to the . . . of the same moneth, becaus the compleaners have found caution to the effect within writtinn. Geo. Cancell.*, I.P.D."

137. Supplication by George, Marquis of Huntlie, patron and tacksman of the parsonage teinds of the kirk of Dumbrait, as follows:—He is charged for payment of the taxation of July, 1630, being £40 for the teinds of the said kirk. At the time appointed for making of taxed rolls for relief thereof he was "straited" and could not
attend the business and so he is like to be prejudiced thereby. He craves permission to convene his tacksmen, sub-tacksmen and possessors of the teinds of the said kirk there on and make up a taxed roll. [On the back] "Apud Edinburgh, 26 February, 1634. Fiat ut petitur."

138. Supplication by George Melville of Garvock, as follows:—27th February 1634.
Supplication by George Melville of Garvock for protection from his creditors.
During the time of his Majesty's visit he was employed as one of the masters of the royal household, and was at that time forced to contract some debts. He has also been at great expense in setting up some silk works in this kingdom, which are progressing hopefully. Further, he has been pursuing certain persons indebted to him before the Lords of Session for payment of their debts, and the causes are almost settled in his favour; but some of his evilwillers, moved by jealousy, have stirred up his creditors to proceed against him with legal diligences and so prejude him in his suits and also in his silk works. If he had the fees due to him for his service aforesaid, he could pay his debts, and he expects soon to be able to do so; therefore he craves their Lordships' protection. [On the back] "Apud Edinburgh, 27 February, 1634. Fiat ut petitur for summounding of the supplicants creditors to the twentieth day of March next, and in the mean tyme grants protection till that day. LINLITHGOW, KINGORNE, ANNANDAII, SOUTHESK, MELVILL."

139. Supplication by Elspeth Bathgate and her spouse, Alexander Fee, 27th February 1634.
Supplication by Elspeth Bathgate and her spouse, Alexander Fee, mariner in Eyemouth.
mariner in Eyemouth, as follows:—Some malicious persons having disgracefully charged the said Elspet with the crime of witchcraft, Sir Patrick Home of Aiton and Mr John Home, minister at Hymouth, at their own hand apprehended her and placed her in ward in the tolbooth of Dunce, where she remained until upon her complaint she was brought to Edinburgh and warded in the tolbooth there. The 11th instant was ordered for her trial, and a copy of her indictment was to be given to her ten days previously, but on that day her trial was postponed till the 11th of March next notwithstanding that she protested against this delay. She is now informed that it is intended to lead a precognition against her and to examine a number of witnesses both men and women against her at Dunce of whom the said Laird of Aitoun and Mr John Home and the Lady Aitoun are three, there being nine others, and a commission has been obtained from his Majesty's Justice to some persons who are her unfriends to take the same at Dunce. As this is a very extraordinary and unusual course to be taken in this kingdom where a person is summoned upon their life, to hear witnesses and take evidence and not hear parties to object, which witnesses ought only to be heard in judgment upon oath in her presence, she craves that their Lordships would inhibit the
Justice, Justice Clerk and their deputies from giving out any such com-
mmission or putting the same in execution, and order all witnesses to
compair at her trial on the day appointed and verify their depositions in
her presence upon oath. [On the back] "Apud Edinburgh, 27 February,
1634. Fiat ut petitur for the last part of the bill, and the saids Lords
declares that if anie have alreadie deponent and sall not compeir before
the Justice at the criminal dyet their depositions sall not be respected.
HADINTON."

27th February 1634.
Supplication by the moderator and brethren of the
Presbytery of Dumfries for the sum-
mons before the Council of certain Papists in the said
Presbytery.

1.40. Supplication by the moderator and brethren of the presbytery
of Dumfreis, as follows:—In the Parliament held at Edinburgh in June,
1594, it was ordained that all Papists or persons suspected of being
Papists, who are excommunicated for the same, shall be charged to
compair before the Council and produce certificates from the presbyteries
of the bounds where they reside that they have satisfied the Kirk, under
pain of being put to the horn, wherein, if they fail, not only their mov-
able goods but their liferents shall be escheated to his Majesty's use.
Now Elizabeth Maxwell, Lady Kirkconnell; Robert Moriesone, servitor
to the Earl of Nithsdale; Jean Maxwell, called of Conheth; Grigel
Geddes, goodwife of Drumcoltrum; John Broun, younger, of Lochbill;
Marjory Maxwell, servitor to the Earl of Niddale; and Elspet Maxwell,
called of Conheth, have all been excommunicated for Popery, as their
respective parish ministers have reported; and further, Robert Rig,
wright, at the Brigend of Dumfreis, having been cited before the sup-
pliants upon 31st December and 14th January last for marrying the
said Elspet Maxwell, who, as said is, is excommunicated, and being ques-
tioned where and by whom he was married, declared that he was married
by a Popish priest on 17th November, "being Sunday at night with
balle light above the brig of Clowden in the feilds, and that foure were
present at the mariage beside the preist wherof some were men and
some weomen, whom he knew not becaus they hid their faces." The
suppliants crave that the above persons, especially Robert Rig, may
be summoned before their Lordships and dealt with by them. [On
HADINTON."

28th February 1634.
Supplication by Patrick Irwing, messenger, in Kincardin o' Neill,
Margaret Chamber, his spouse, and Janet Mar, his servant, as follows:—
On 9th February instant, being Sunday, John Adie in Wester Beltie and
Alexander Strauchane in Mid Beltie came by way of hamesucken under
cloud and silence of night to their dwelling-house in Kincardin, and
entering therein "first Shamefullie railed upon me the said Patrik, there-
after patt violent hands in my persoun and cruellie buffetted me upon
the head and face with their falded neiffes, and, when my said servant
preast to helpe me, they drew my awne whinger and wounded the said
142. Supplication by Sir Thomas Hope of Craighall, King's Advocate, and Ewphame Hay, spouse of John Fraser of Aucherren, and her said husband for his interest, as follows:—Though the carrying of hagbuts and pistols and convocation of the lieges in arms are very strictly forbidden by law, on September last James Keith, son of Keith at the Mill of Camcowter, Alexander Keith, his brother, John Johnestoune, their servant for the time, Gilbert Keith in Auchmather, John Keith of Clakriache, Mr William Ogstoun in John Stratoun in Inverruggie, George Ros in Touzehill, Thomas Gordoun in Gavell, Alexander Keith in Camkowter, George Darg there, Simon Ogstoun in Forrest, and others, armed with swords, staves and other weapons, and the forbidden hagbuts and pistols, came by way of hamesucken to the said John Fraser's dwelling house by the break of day before the sunrising, "where, finding me, the said Ewphame Hay, they without anie offence done be me to thame patt violent hands in my person, and the said James Keith verie shamefullie and unhonestlie strake me on the face with his neiffies to the effusion of my blood in great quantitie, and not content therewith he barbarouslie and cruellie strake me with his feit upon the wombe and privie parts to the great effusion of my blood and perrell of my lyfe, so as within sax dayes therafter or thereby I parted with barne and lay bedfast be the space of sevin weekes; thereafter I lay bedfast in great pane and hazard of my lyfe, and it is thought be the gentlewomen in the countrie and midwifes who visite me that I sal be ane cripple all my dayes." She craves summons against these persons. (Signed) S' Thomas Hop. [On the back] "Apud Edinburgh, die mensis Februarij, 1634. Fiat ut petitur."

143. Summons at the instance of the provost and bailies of Edinburgh, against William, Earl of Erroll, Lord High Constable of Scotland, and Mr Archibald Haldane, his depute, as narrated ante, p. 298; dated at Edinburgh, 4th March, 1634, and signed J.A. Prymrois. On the back is a note of service by James Gordon, messenger, on 13th March, against William, Earl of Erroll, Mr George Halden and Mr John Keith, ordaining them to appear before the Council on 20th March instant; witnesses, John Hay, Robert Blakhall and Robert Alshunder, servitors of the said Earl, David Norie, merchant burgess of Edinburgh, Archibald Beg, notary there, Mr Thomas Nicolsone, younger, advocate, George Hadden, servitor to Henry Oisburn, writer in Edinburgh, and Magnus
Mouat, indweller there. Also on the margin there is noted as follows:—"20 Martij, 1634, persewars personallie, with M' Thomas Nicolsone, procurator; defenders personallie with M' Robert Lermonth, M' Rodger Mowat, who satisfact the production. The persewars producet ane patent and chartour be King James the Thrid be the whiche thay ar maid heretable shireffis within thameselfifs and ane ratificatioun thairof in Parliament, 1621: As also produce ane chartour of the office of shireffship within Leyth granted be King James 6 togethre with the gift of justiciarie within Edinburgh and Leyth. The persewair desyre thay the noblemen, counsellouris, who ar contingent to the Earle of Erroll, might be sett frome being judges. Repellis. Ordains the writtis producet to be seene hinc inde. 25 martij, 1634; partibus ut supra. The persewaris upon the producitoun of thair richtis protested that the mater might be remitted to the Sessioun and they reponed again the said decreit. The defenders alledgeth that the decreitis being recovered in foro contradictorio that the samyne cannot be takin away summare aut de plano but after tryall of thair righte, quhairunto the Counsaill sould be judges. The Lordis continewis the mater till the first Counsaill day of Junij that in the meane tyyme his Majestie may be consulted if the mater sal be decyded be the Counsaill or remitted to the Sessioun.

The Lord Constable nominat the Earles of Kinghorne and Linlithgow to be commissioners for him anent ane frendlie aggreement with the toun of Edinburgh. The provest and baillies tooke the morne to advyse with thair Counsaill anent thair commissioners and promise to report their names to the Chancellor with the commissioun.

The persewaris proponit a declinatour agane the Earles Wyntoun, Kinghorne, Linlithgow and [Lord] Erksyne why thay sould nocht sitt judges, being brether in law to the Earle of Erroll, defender [and] Linlithgow cousin germanne. The Lordis repellis the declinatour agane Linlithgow as being cousin germanne. Sustenis the declinatour agane Wyntoun, Kinghorne and Erksyne, brether in law to the Earle of Erroll.

8 July, 1634. Parteis personallie."

144. Supplication by . . . . (torn) . . . . kirk of Leith and in name of the kirk and poor thereof, and James . . . . . . Lookup, James Matheson and Matthew Mitchell for themselves and the neighbours and poor of Leith, regarding the preceptory of St. Anthons, as narrated ante, p. 296. It is mentioned that the case was called before their Lordships on 31st July last when the said Mr William declared his willingness that the gift purchased by him of the said preceptory should be applied for the benefit of the said poor. It was again before them on 25th September and continued to the first Council day of November, since when it has fallen asleep and they desire it may be awakened, and citation of parties. [On the back] "Apud Edinburgh, . . . . . . . Fiat ut petitur. GEO: CANCELLER, I.P.D." Also note of citation on 11th
March, 1634, by Mr William Dowglas, macer, of Charles, Earl of Dunfermeling, and Mr William Wishart, both personally apprehended, to appear before the Council on this 11th of March; witnesses, Sir James Halkhead, younger of Pitfarris, James Dowglas, macer, and John Dowglas, his servitor. There is also noted on the margin and on the back of the document the following hearings before the Council:

18th March, 1634, pursuers appearing by James Home and Alexander Hay, and the defender personally with Mr James Baird, his procurator, “who declairit that the persone be vertew of his gift of preceptorie intendit nocht nor wald nocht impugne nor quarrrell ony right of the landis or teyndis of the preceptorie of St Anthone standing in the persone of the Earle of Dunfermelyne or Laird of Colingtoun, nor the Session of Leyth, bot be the contrair wes content and willing to ratifie their rightsis and to supplee any defect thairin at the sight and by the appointment of M’ Thomas Nicolsone, elder, advocat. His Majestis letter delyverit to the Advocat to be advysed thairwith till Thursiday, unto whiche tyme continewis the buseynes.

20 Martij, 1634. The quhilk day the persone of Leyth, being assisted with M’ James Baird, his procurator, declared that he was content that his gift of preceptorie sall be suppressed and haldin as extinct in so far as concernis the Earle of Dunfermelyne or ony otheris having richt fra the said Earle. The Advocat produced the securitie whiche the partie is to give to the Session of Leyth, whiche [is] ordanit to be shawne to thame. Continewis the mater till Twisday nixt.”

27 Martij, 1634. The parson of Leyth renews his declaration as regards the Earl of Dunfermelyne and extends the same so far as may concern any right or disposition flowing from Alexander and Mr John Hay. Continued till the first Council day of June.

3 June, 1634. Parties as above. Continued to Thursday come eight days.

18 June, 1634. Continued to the 22nd.

26 June, 1634. The parson of Leyth, assisted by Mr James Baird, declares his willingness that the gift in question be totally suppressed, the kirk and session of Leyth being first secured in their right by advice of his Majesty’s Advocate, Mr Andrew Aytoun and Mr Thomas Nicolsone. Continued to the 3rd of July.

145. Supplication by William Watson, baker and burgess of Brunt-ieland, as follows:—On November last William Meeklejohn, George Cairns, and Robert Richieson, bailies of Bruntieland, sent William Cowper, constable, and William Mershell and John Quyte, officers, to the supplicant as he was working in his bakehouse, and, as soon as they entered, the said William Cowper “feircelie ranne at me with a long halbert he haid in his hand and gave me a deidlie stroke thairwith upon my left shawider three inch deep, and he and the twa officers who

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11th March 1634.

Supplication by William Watson, baker and burgess of Bruntieland, for summons against William Meeklejohn and others for assault.
were with him cast downe, brake, and spoyled the whole bread being in my workhous. And then the three bailies themeselles came to my workhous and charged me to go with thame to ward; quhilk charge, I having with all dew regard obeyed, and having onelie gone to my hous to have gottin my cloke and hatt, how soone I came back to thame they wold not suffer me to go upon my feet, bot they all closed and gripped me, and by strong hand boore me in to the tolbuith, altho I was most willing in a peaceable maner to have gone on my feet; and when I came to the tolbuith they patt me in their yron hous and layed me in the stockes, quhere they held and detaeenned me that nicht. And upon the morne thairafter they came to the yron hous and with strong cords band me, layed me a new in the stockes, fastened the same with great iron nailes and kepted and detaeenned [me] miserable pyned and pained the space of fyve dayes thairafter without ane kynd of offence committed be me." He craves summons against them. [On the back] Apud Edinburgh, undecimo Martij, 1634. The Lords remitts the tryall of this complaint to the Lord Melvill. MORTON I.P.D.

11th March 1634.
Supplication by Andrew, Bishop of Galloway, as follows:—He granted a precept of clare constat to George Stewart of Castnestick of the lands of Castnestick, which are held of the supplicant, and then directed him to John Peter, W.S., who keeps the supplicant's seal, for the sealing of the same. The gentleman told Thomas McKie, sheriff-clerk of Wigtoun, of this, and he agreed to get the precept sealed for him for £4, which were thereupon paid to him. McKie then asked the said John Peter to seal the precept gratis, but, being refused, he betook himself to a goldsmith in Edinburgh and caused him make a seal of lead with the supplicant's arms, and with this counterfeit seal he sealed the precept and delivered it to the gentleman. The supplicant, having recently foregathered with the gentleman in the town of Wigtoun and enquired if his precept was sealed, was told that the clerk of Wigtoun had procured the seal. The gentleman then promised to send his wife with it to the supplicant next day; but meanwhile, having, in his wunderment as to how the seal could have been obtained without the supplicant's knowledge, gone to the said Thomas McKie and told him what had passed, McKie desired him to send the precept first to him before it went to the supplicant. This having been done as soon as McKie obtained the precept, "he went in to a fire hous and held the seale to the fire untill the waxe melted and than with his thumbe defaced the seale and gave it to the woman who caried the same and bade her shew the same to me; quhilk the woman simple did and when the same wes opened there did cleerelie appeare the impressioun of a mans thumbe togidder with the ring of the seale." Such an intolerable insolence deserves exact trial and punishment, and the supplicant therefore craves that the said Thomas McKie be cited before their Lordships,
147. Note of execution by Alexander Garioche, messenger, on 14th March 1634 (?), against William Fraser of Craigtoun, to appear before the Council on 9th June next and answer for his contravention of the Acts of Council made with his own consent; witnesses, William Fraser, Garioch, messenger, against William Fraser of Craigtoun.

148. Supplication by Archibald Edmonstoun of Duntreth, commissioner for the small barons and freeholders of the sherifdom of Stirling, at the late Parliament, as follows:—He has charged Sir John Halden of Glennegeis to pay him 15s. 4d. for each pound land of his £18 land of Letters as his proportion of the cost of the supplicant's footmantle and the expenses allowed to him as commissioner, and Sir John upon some frivolous reasons procured a suspension to a day now long since past, but, conscious of the weakness of his case, he neglected that day and has no intention of discussing the case. He craves new letters against him.

149. Copy of Act of Council of 18th March, 1634, relating to the report of his Majesty's Advocate about the titles to the preceptory of St. Anthony, printed ante, p. 232.

150. Supplication by William, Earl of Erroll, as follows:—His Majesty, being careful to have the office of High Constabulary of this kingdom preserved with its ancient dignities and privileges, and these properly determined, granted a commission to certain of their Lordships with some Lords of Session and others to inquire into these and report thereupon to his Majesty. These commissioners, inter alia, found that the supplicant as Lord High Constable of this kingdom was supreme judge in all matters of riot, disorder, blood and slaughter committed within four miles of his Majesty's person or of the Parliament or Council representing his royal authority in his absence, and that the trial and punishment of such crimes is proper only to the supplicant and his deputies. For the discharge, therefore, of his duty he has appointed deputies under him to reside in Edinburgh, who have convened sundry delinquents before them and ordained them to be committed to ward within the tolbooth of Edinburgh as the only jail where such delinquents can conveniently be imprisoned. But the provost and bailies of Edinburgh, though bound to find him a ward house, refuse to receive these delinquents into their jail and thereby intend to frustrate the execution of sentences of this nature pronounced by him and his deputies, unless a remedy be provided. He craves summons against the said provost and
bailies that they may be ordained to ward his prisoners. [On the back] *Miscellaneous Papers.*

"Apud Edinburgh, decimo octavo die mensis Martij, 1634. fiat ut petitur. G: cancelit." Also note of execution by Mr William Dowglas, macer, on 19th March, 1634, of the said summons against the provost and bailies of Edinburgh, viz.:—Sir Alexander Clark, provost, and Edward Farquhar, one of the bailies, in name of all, to appear before the Council on 20th instant; Witnesses, James Dowglas, macer, and John Dowglas, his servitor. Also noted on the margin of the supplication "25 Martij, 1634, persewair personalie, with Messr Robert Lermouth and Rodger Mowat, his procurators; the provost and bailies personalie with Mr Thomas Nicolsone, his [sic] procurator. Continewit to the first Consail day of Junij."

151. Supplication by James, Lord Desfurde, as narrated ante, p. 238; with finding on the back as also there narrated. Part of the supplication is torn away.

152. Supplication by James, Lord Desfurde, bailie principal of the regality of Strathylae, as follows:—In the sentence lately pronounced by their Lordships at the supplicant’s instance against John Talbert of Poolfald, who was processed for resetting stolen goods, they had remitted him back to the supplicant with this restriction, that he should first proceed against the thief before dealing with the resetter. This is impossible, inasmuch as the thief is fugitive and a vagabond, with no certain dwelling place, and has not since the fact come within the supplicant’s bounds, nor will he ever do so. The said John Talbert, therefore, whose reset is undeniable, will never be brought to punishment, and he thinks it right to let their Lordships know this that it may be remedied. [On the back] "Apud Edinburgh, 25 Martij, 1634. The Lords ordains the supplicant to conveyne the principall thieff before his Majestie Justice. Hadintoun."

153. Supplication by David Bell, burgess of Dumfreis, as follows:—On 7th March instant he was in the dwelling house of Isobel McRereis, widow in Dumfreis, and some others, when a servant of the house came and called him to come down and speak with M’ Thomas Ramsay, our minister, who was in a laich seller, and I having inquired if there was anie companie with him she answered not; and so I come down to to the close and hearing M’ Johnne Corsane, late provost of Dumfreis, in the seller I desired the servant to intreate M’ Thomas to come furth to me becaus I behoved to returne to the provest in haist. Quhilk the said M’ Johne hearing, he in a great furie answered, ‘How durst thouw, base vallane, refuse to come to us,’ with manie other disgracefull speeches. Qhairupon I come forword to see who it was that spake, and perceiving the saids M’ Thomas and Mr Johnne
with their faces toward the dore, I simpie answiered that I wes no base rascal. For quhilk onelie caus the said M[4] Johne come furth upon me er I wes awar and with his falded neifse cruellie strake me on the face to the great effusion of my blood, and felde me to the ground, where I lay a long time swooning, untill I wes tane up be ane honest man in the toun." He craves summons against the said Mr John Corsane. [On the back] "Apud Edinburgh, 29 Martij, 1634. Fiat ut petitur, with the ordiner provisioun. HADINTON."

154. Supplication by George Abircrombie in . . . as follows:—

On March instant he was in the dwelling house of when came to him and, without any provocation, "tooke me be the craig and had almost wirried me, drew ane knyfe, and threatened to cutt aff both my eares, tooke aff my hatt, threw the hat band in the fire and brunt the same with the ribbon thairof, cutted and spoyled the hatt with his said knyfe and made the same unprofitable to me, and upon the morne thereafter how soone he rose out of his bed he sought me to have layed me in a pair of stockes." He seeks a summons against his assailant. [On the back] "Apud Edinburgh, 29 Martij, 1634. The Lords remitts the tryall and punishment of the wrong libellit to the shireff of the shyre. HADINTON."

155. Summons at the instance of Duncan Fergusone in Muling, and Christian M[4]Duff, tenantes to William, Earl of Arroll, and their servant, against John Robertson of Blettone and John Campbell, son of Hew Campbell of Seat, who at the instigation of the said Hew came by way of hameeucken on to the said Christian's dwelling house, violently broke up the doors, and, finding no one therein save a young lass keeping a bairn in the cradle, they put violent hands upon the young woman and struck and wounded her in various parts of her body, "and kuest the young bairne over in the fyre to the danger of his lyf, and thane they tuik away ane gryt gray hound quhilk the said Duncane keept about his houes for preserwing of thes boundis frome toddis, quhilkis ar very abundant in thes pairtis and dois wereie great harme to the contray peopill." As they were carrying off the dog, an old man of three score years came out of the barn where he was threshing to see what the matter was, when one of these two persons seizd him and held a dirk to his breast until the other got clear away with the "grew hound," and he would have killed the poor aged man if he had not griped the whinger and kept hold of it until his assailant, fearing a concourse of people, fled also to the said Hew Campbell's house, where they were all well received. Charge is hereby given to Thomas M[4]Nab, messenger, to cite these persons to appear before the Council on 15th July next. Dated at Edinburgh, 29th March, 1634, and

March 1634. Supplication for protection by Alexander Bothwell of Newholm.

156. Supplication by Alexander Bothwell of Newholm, as follows:—
He is heavily distressed for Mr Adam Bothwell, his brother, for whose debts his lands have been comprised, and he cannot appear in public to deal with his creditors and co-operate with his father for his relief and payment of some 2000 marks of his own debts. He therefore craves their Lordships' protection for a short space. [On the back] “Apud Edinburgh, Martij, 1634. Fiat ut petitur to the next Cousaall day that in the meanetyme the creditors may be wairnit, providing always the Bishop of Dunblane consent thairto. GLASGOW.”

March 1634. Summons against Robert Stirk, messenger, at the instance of Robert . . . . (torn) . . . . riburne, narrating that he was indebted to George Cunninghame, younger, in Pittincriff, who raised letters of poinding against him for the same and committed their execution to Robert Stirk, messenger. Stirk thereupon poinded from the complainer “ane brew copper caldround of twentye foure gallons, worth ane hundred pounds, with other goods and geir farre abone the worth of his debt.” He looked that he should then have received a discharge of his debt, but the said Robert, knowing the complainer to be a poor aged man not able to redress this wrong by law, keeps up the letters of poinding and has now raised caption thereon, daily threatening to poid his goods of new and cast him in ward. The summons is against Robert Stirk to appear before the Council; dated March, 1634, and signed JA: PRIYMOIS. On the back is a note of execution by William Walwood, messenger, on 11th July, 1634, against Robert Stirk at his dwelling house; witnesses, John Kirkcaldie, indweller in Kirkcaldie, and Adam Kingorne in Dunfermling. On the margin is noted, “xv July, 1634. Parties personalie. Remits the satling of this mater to the Bishop of Dunblane.”

10th April 1634. Impost on coal.

158. Original of royal letter relating to the impost upon exported coal printed ante, p. 259; directed on the back to the Earl of Kinnowle, Chancellor, and the remnant members of the Privy Council of Scotland.

23rd April 1634. Summons at the instance of Mr Lawrence McGill, advocate, sheriff depute of Edinburgh, against Alexander Broun, officer in Wester Duddingstoun, as narrated ante, p. 343; with summons also against Alexander Tuidy, tailor in the Cannogait, Robert Kyll in . . . . and James Foullis, sheriff officer, as witnesses; dated 23rd April, 1634, and signed JA: PRIYMOIS. On the back there are noted two executions of this summons by James Hamiltoun, messenger, against (1) Alexander
Broun, officerin Wester Dudingstoun, David Kilpatrick at Dudingstoun Mylne, and John Kilpatrick in Wester Dudingstoun; witnesses, James Ker, there, and Thomas Smyth; and (2) against John Kilpatrick, witnesses, James Fouller and John . . . . There is also noted on the margin, "Primo Augusti, 1634; persewers personallie; defenders absent; decernia." The document is badly mutilated.

160. Original of royal letter as to Colonel Monro's overtures about disabled soldiers returned from the wars, printed ante, p. 333; addressed to the Earl of Kinnowle, Chancellor, and remnant noblemen of the Privy Council of Scotland.

161. Summons at the instance of Sir John Home of Blackadder, James Cockburne of Rysala, George Affleck of Cumridge and John Wilkie of Foulden, against Sir Alexander Nisbet of that Ilk and John Home of Renton, referred to in the counter action in this matter, narrated ante, p. 345. The defenders had charged the pursuers to meet at the burgh of Dunce and allocate the amount due to them as commissiioners to parliament for the small bars and freeholders of Berwickshire, being £1118 16s. among the pound lands of the said shire, and to make a stent roll thereof, and they intend, if they do not obey, to put them to the horn. Now the pursuers cannot within the time specified to them accomplish this, because many of the lands possessed by the said small bars and freeholders lie within regalties and stewartries, as the regality of Boncul, stewartry of Ma . . . . , and bailiaries of Coldingham and Lawderdail, of which the stent rolls will have to be obtained. They had met at Dunce on the day appointed and explained this to the the said John Renton, who, recognising the truth of what is stated, appointed a new day. But they have further difficulties in regard of these small bars holding of different superiors; and they submit that the defenders should furnish a true account of their expenses and produce their footmantles to the sheriff, who [should keep the same and make them] forthcoming to future commissioners. Dated at Edinburgh, 7th May, and signed Ja. Prymoirs. The document is much injured. On the margin is noted, "xvij Junij, 1634, Blacader and Ryslay for thame selfis and the remanent personalie. Finde the letteris ordourlie procedit for payment of the Laird of Rentoune his modificatioun and charges." Also on the back two executions of the summons. (1) By Alexander Home, messenger, on 30th May, 1634, against John Home of Renton, personally apprehended; witnesses, Patrick Abernethie, notary in Duns, and another [torn]. (2) By Andrew Howlatstoune, messenger, on 31st May, 1634, against Sir Alexander Neisbit of that Ilk, personally apprehended; witnesses, Robert Neisbet in Duns, and Thomas Neisbet, servitor to the said Sir Alexander.
162. "CHARLES R.—Right trusty and welbeloved cousin and counsellour, right trustie and welbeloved cousins and counsellours, and right trustie and welbeloved counsellours, wee greete yow well. Whereas it hath been humbelie represented unto us in behalf of the clergie of that kingdome the great hurt arising to the estate and patrimonie of the church by wanting of publick registers wherein all evidents and writtes disponed by beneficed persons ought to be registrat and consequentlie made known to such as affect the standing thereof; to which purpose wee have thought necessarie to cause establish such publick registers and incorporate them with the office of our Clerks of Register, as with persones fittest and readiest to tak an accompt of that charge; whereupon wee have granted a signature to our present Clerk of Register. And therfor it is our pleasure that yow mak an Act of Counsell thereupon causing exped it under our great seale with all diligence, and that yow cause publication be made hereof to all our liedades, as it effeires; for doing whereof these presents shalbe your warrant. Wee bid yow farewell. From our Manour of Greenwich, 13 May, 1634." Addressed to the Earl of Kinnowle, Chancellor, and the remanent Lords of the Privy Council of Scotland.

163. Original of royal letter for marking of the Registers of Susses, etc., by the Lord Clerk Register, printed ante, p. 274; addressed to the Earl of Kinnowle, Chancellor, and remanent noblemen and others of the Privy Council of Scotland.

164. "CHARLES R.—Right trustie and right welbeloved cousin and counsellour, right trustie and right welbeloved cousins and counsellours, right trustie and trustie and welbeloved counsellours, wee greit yow well. Whereas in our late parliament haldin at Edinbrough within that our kingdome there was complaint made of diverse insolencies and oppressiones made in the Highlandes of our said kingdome, wee being willing to repressse the same and to establish such solid order whereby our peace may be mantayned and those rebellious and disobedient subjects reduced to the obedience of our lawes or punished according, it is our pleasure that yow cause putt in execution the acts of parliament made in the 11 parliament holden by our dearest father of happie memorie, cap. 93, 94, 95, 96 and 97, against the induellers in the Highlandes and Borders or other places where these rebellis resort or dwell; as lykewayes the act of our late parliament made anent the Clan-gregor; and that yow take such further course for queting the disorders in those and other paites of that our kingdome as in your judgements shalbe thought fittest for intertayning of our peace and protecteing of our good subjects from all violence and oppression, and that from tymte to tymte yow make us accompt of your diligence herein; but where yow find any lett or stop wee will, upon your signifieing thereof unto us and your
opinions toucheing the same, concurre by our further autoritie to remove
the same. Which recomending to your care wee bid you heartily farewell.
From our manour at Greenwich, the 26 of May, 1634." Addressed to
the Earl of Kinnoull, Chancellor, and the remanent Lords of the Privy
Council of Scotland.

165. Original of royal letter as to the uplifting of fishing dues by
Highland landlords, printed ante, p. 286; addressed to the Earl of
Kinnoull, Chancellor, and remanent Earls, Lords and others of the Privy
Council of Scotland.

166. Original of royal letter for a protection to Sir Hew Wallace of
Craigie, printed ante, p. 288; addressed to the Earl of Kinnoull,
Chancellor, and remanent earls, lords and others of the Privy Council of
Scotland.

167. Summons at the instance of William Anderson in Gartnavell
against David Anderson of Byres, charging him to appear before the
Council on . . . . to answer to his complaint as narrated ante, p. 323; sum
dated at Edinburgh 2nd June, and signed Ja. Prymois. On the margin
is noted the proceedings at the hearing of the case on 22nd July, 1634,
with the addition that the Lords modify to each of the witnesses ten (?)
merks to be paid by the producer.

168. Supplication by James Spence for a protection, as narrated 3rd June 1634.
ante, p. . [On the back] . . . (torn) " . . . 3 Juniij. Fiat ut
petitur be . . . of Counsell to the . . . Juniij instant." Also note of
execution by James Dowglas, macer, against William Thomson, per
sonally apprehended, to compear before the Council on 19th June; witneses, Mr Thomas Nicolsone, younger, advocate, and Mr John Keith, his servant. On the margin is noted the hearing of the case on 19th
June and again on 8th July (see p. 285 ante).

169. Supplication by Robert Miller in Lochfut, as follows:—He has 3rd June
1634. Supplication by Robert Miller in Lochfut, and certain
wrongs committed by James Logane in Hills for putting himself and
his wife and children out of his dwelling house, and kiln, destroying his
furniture, striking his wife and children, and locking up the doors of the
said house, pretending he did so in terms of a decreet; he craves of their
Lordships that the decreet might be produced and it was thereupon
suspended. Some of his witnesses are present to prove the facts, but the supplicant
some are absent through the persuasion of the said James Logane, being
his own brother's men and actually present at the time, and he therefore
craves that their Lordships would issue letters charging these witnesses
to appear, especially William Stillie and John Adameson, servante to the
said John Logane, and delay the cause until they come. [Undated, but
perhaps about 3rd June, 1634. Cf. p. 261 ante.]
170. "Supplication by John Lyone in Armannoch, John Wilson, walker in Lochfute, John Pott, cordiner there, John Miller, weaver, John Slowan in the Mott of Lochfute, James Donald in the Hills and William Selbie in Armanoch, as follows:—They have been cited as witnesses in the action between Robert Miller in Lochfut against James Logane of Hills and have comppeared, making a journey of 60 miles each way, the said John Logane doing so twice with his horse, at their own expense, and they crave their Lordships to consider the matter and deal therewith. [Undated.]

171. Summons at the instance of Sir Thomas Hope of Craighall and Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr William Falconer of ..., now her spouse, against Alexander Gordoun, now of Dunkintie, "the unnaturall sone of the said Margaret," as narrated ante, p. 330. The summons is dated at Edinburgh 10th June, 1634, and is signed by Ja. Prymoirs.

172. Execution of the foregoing summons on 10th June, 1634, by Walter Smith, messenger, against Alexander Gordoun of Dunkintie, James Gordoun of Letterfourie, Lachlan M"Quin, his servant, Robert Gordoun of Myne, Adam Gordoun in Ordiquish, James Ros in Gilmorsayn, John Hebroun, son of Alexander Hebroun, porter of Innerlochitie, Finlay M"Inarracht and William Nairn, servitor to the said Alexander Gordoun, charging them to appear before the Council on 22nd June next, and answer to the charges laid against them; dated at Edinburgh, 10th June, 1634. No witnesses are entered. On the back is written, "Mr James, tak with the commisione that wes givin aganis the murthers of Dinkinte, and give them to this berer, Adam Gordone, and pay for it be Buckeys advyse."

173. Summons at the instance of John, Earl of Mar, against George Ogilvie of Fornathie and Sir John Ogilvie of Inverquharitie, as narrated ante, p. 324; dated at Edinburgh, 10th June, 1634, and signed Ja. Prymoirs. At the foot is noted "Note to summond to the seventeen day of July," and on the margin "22 July, 1634. Persewer be Pittodry; defenders absent. Decernis."

174. Summons directed to William Middlton, messenger, to charge Thomas Smyth at the Mill of Ryland and other persons named in the complaint, by John Henrie, as narrated ante, p. 328, to appear before the Council on 24th July next; dated at Edinburgh, 10th June, 1628, and signed JA: PRYMOIRS. On the margin there is a note of the proceedings on 24th July.

175. Supplication by James [Pennycuik], skinner in Potterrav,
Christian Cuik, his spouse, and William Pennycuik, his brother, as follows:—On June instant they were removing some plenishing when Janet Hog, spouse to James Storie, ... (torn) ... when Janet Hog, spouse to Robert Hog, potter there, Marion Mortoun, widow there, Margaret [Hog] ... Janet Hog, and Elizabeth Pennycuik, servitrix to Margaret Young, widow there, at the instigation of the said James Storie and Robert Hog, fiercely assailed them, “dang” them to the ground and injured them both with hands and feet, giving them many “bauch, blae, and bloodie striaikes.” They also cruelly wounded David Pook, a workman, who was removing their goods, with stones upon the head to the effusion of his blood. Further, on the 10th of the same month, these said persons all came to the said Christian, who was then great with child, as she was attending the workmen who were removing her gear, “and with their hands and feet and great stones dang me to the ground, tramped upon me, with their hands and knees so bursed my hail bodie and bowells, togidder with my head and face that the blood came gushing out at my mouth and nose in great quantitie, and they had not failed to have slaine me about eleven hours at night if the officers and neighbours of the town had not rescued me. And at that same tyme I, the said William, being carrying ane burdein on my backe with ane tow the saids hail persons dang me to the ground and with their hands and feet verie cruellie hurt and woundit me and almost wirried and strangled me with the tow so as I lay a long tyme dead on the ground and was caried home be the neighbours.” And James Penycuik complains that they invaded and pursued him for his life, “rave the hide aff my face and gave me manie bauche and blae striaikes” with their hands and feet. They crave summonses against their assailants. [On the back] “Apud Edinburgh, decimo sexto d[ie mensis Junij], 1634. Fiat ut petitur. HADINTON.” (The deed is somewhat mutilated.)

176. Execution by James Bisset, messenger, on 18th June, 1634, of 18th June 1634. Execution of summons by James Bisset, messenger, against Robert Hog and Agnes Heriot, his spouse, at their dwelling house in Potteraw, James Storie and Janet Hog, his spouse, Marion Mortoun, Margaret Hog and Elizabeth Pennecuik as defenders, and John Diksoun, bailie in Potteraw, John Henderson, officer there, John Manvell, ... (torn) ... Brand, tailor there, John Hog, puderer there, David Werdie, potter there, Robert Roger, baxter there, ... John Towie, Robert Wat and John Pursell, cordiners there, John Wauchop ... Fisher, workman there; as witnesses. The service is attested by Magnus Justice, officer, and John Dunmur, tailor in Potteraw.

177. Supplication by Charles, Earl of Dunfermling.
Supplication by Charles, Earl of Dunfermline, and others against the preceptory of St Anthony.

Fowles, Laird of Collingtone, Sir James Home, and others, in reference to Mr William Wishart and the preceptory of St. Anthons, as narrated ante, p. 296. Their Lordships had heard the case on 17th June, when they had all attended and expected it would have been put to a point. But it was continued till the 24th, and they crave that Mr William Wishart, as he is in good health, may be peremptorily charged to comear on the 24th June and produce his gift of the preceptory, and to charge the keepers of the registers not to give forth any extract of the said gift in all time coming. [Torn, especially at the date.]

178. Summons at the instance of Francis Scot of Cartertoun, servitor to James Lord Johnstoun, and James Johnstoun of Braikensyde, against Walter Scot, called Willies Wattie, for the following cause. The complainers accompanied their said lord and master to the burial of the Earl of Bucleuche upon 11th June instant, where there were many noblemen and persons of rank convened, and were peaceably riding home after the burial when the said Walter Scot, without any offence given to him in worn or deed, "followed thame out of the town of Haik and with a drawin sword feircelie and cruelle invadit and persewit the said Francis of his lyffe; and whereas the said James Johnstoun came ryding to him and earnestlie delt and travelled with him to forbear these doings at that tyme, seeing he might give matter and occasion of troughle quhilk wald not ly in his power to setle, he in the lyke furie persewit the said James of his lyffe, and never forboore the giving out of fierce strokis at thame till his sword brake;" dated at Edinburgh, 20th June, 1634, and signed JH: PRYMROI.

179. Execution of summons on 20th June, 1634, by John Stirling, messenger, at the instance of the provost and bailies of Edinburgh, against William, Earl of Erroll, High Constable of Scotland, for his compearence before the Council; witnesses, Robert Erskene, indweller in the Cannogait, and Alexander McBrek.

180. Summons at the instance of Mr Andrew Ramsay, one of the ministers of Edinburgh, against Alexander, Earl of Linlithgow, and others, as narrated ante, p. 317; for the compearence of the defenders before the Council on 8th July; dated at Edinburgh, 21st June, 1634, and signed JH: PRYMROI. On the margin is noted, "Octavo Julij, 1634. Pursuer be Harye Osburne; defenders be Alexander Lyntoun, who produced a protectioun granted unto the Earle of Linlithgwe and his cautioners for securing of their persone till December nixt and allledged that the Lord Elphingstoun and Hayning, being cautioners to the Earle of Linlithgwe, the desyre of the summonds could not be granted agane thame. Ordanis Harye Osburne to produce his pairtye upon Twisday.
nixt and the protection to ley in the Clerks hands till that day."  Also
note of the hearing upon the 15th.

181. Note of five executions by Walter Smyth, messenger, of sum-
momesses at the instance of Sir Thomas Hoip of Craighall, King’s Advocate,
and Margaret Grant, widow of Alexander Gordon of Dunkintie, and Mr
William Falconer, now her spouse; (1) on 23rd June, 1634, against
[Adam] Gordoun in Ordiquish; witnesses, James Lorimer, tailor in
Elgin, Alexander Guthra, servitor to John Chalmer, skinner, burgess in
Elgin, and Alexander Auldcorne, the messenger’s servitor; (2) on the
same day, against James Ross in Gillmoirysyid and William Nairne,
servitour to Alexander Gordon, now of Dunkintie; witnesses, James
Hay in Kirkhill, Paul Hay, burgess of Edinburgh, and Patrick Chalmeir,
burgess of Elgin; (3) on the same day, at the dwelling house of Alex-
ander Gordon, now of Dunkintie, being for the time at Gilmoirysyid, against
Lachlan McQueine, servitor to James Gordoun of Lettifurie, who remains
there for the present; witnesses, George [Stronoche], servitor to James
Ross in Gilmoirysyid and the foresaid Alexander Guthra and Alexander
Auldcorne; (4) on 27th June, 1634, at the market cross of Elgin,
against Adam Gordoun and Lachlan McQueine foresaid; witnesses,
George Brodie, and William Robertsoun, younger, burgesses of Elgin,
and Alexander Dunbar, lawful son to Robert Dunbar, burgess there; and
(5) on 9th July, 1634, against James Fynla, servitor to James Hay in
Kirkhill, George Stronoche, servitor to [James] Ross in Gilmoirysyid,
John Geddas in Barmowkattie, Thomas Cromy there, and James Gordoun,
portioner of Urquhart; witnesses, William Ross in Kirkhill, Fy ... .
(torn) ... to the said Mr William Falconer, and the foresaid Alex-
ander Auldcorne.  All are summoned to appear before the Council on
22nd July, 1634.  [The document is much wasted.]

182. Summons at the instance of Robert Dunbar of Burgie against 23rd June
James Gordon of Knockaspeck and William Gordoun of Arradoull, as
Summons narrated ante, p. 328; directed to Andrew Dunbar, messenger, dated at
Edinburgh, 23rd June, 1634, and signed JA: Prymrois.  On the back
is a scroll note of the hearing of and finding in the case; while on the
margin is noted, “24 July, 1634; persewar be Mr William Dunbar;
defender absent; decernis.”

183. Supplication by George, Marquis of Huntlie, against John 24th June
Tosheoch, as narrated ante, p. 291.  On the margin there is noted the Supplication
hearing of the case on the 24th instant.  “The speecheis provin,
Continewis the advyseing of the punishement till Twisday nixt”; and also the finding on 1st July.

184. Four executions at the instance of Francis [Scott], 25-30th June
(1) on 25th June by John Ritchartsoun, messenger, against Walter Four execu-

Scott at his dwelling house in Wrae in Eusdaill; witnesses, Thomas Litill, called of Mekildail, and John Batie in Kaslichis. (2) On 26th June, 1634, by John Fleming, messenger, against the said Walter Scott at the market cross of Dumfreis, charging him to appear before the Council on 1st July next; witnesses, James Maxwell, bailie of Dumfreis and . . . . [torn]. . . . . (3) On 29th June, 1634, by James Wauch, messenger, against Patrick Johnstoun in Grantoun, as a witness in the case; witnesses, [Alex]ander Johnestoun in Wodhead, and Thomas Johnstoun in Eriabank: and (4) On 30th June by Gilbert Watt, messenger, against James Grahame of Gillesbie, George Jonstoune of Greithheid and James Haliday in Bedhokholme, also as witnesses in the case; witnesses, Robert Johnstone of Newtoune and John Johnstone, burgess of Edinburgh.

26th June 1634.
Summons at the instance of James Bannerman in Dunkeld against Mr. John Stewart, commissary and bailie of Dunkeld, for assault.

185. Summons at the instance of James Bannerman in Dunkeld directed to Gilbert Henrie, messenger, for charging Mr John Stewart, commissary and bailie of Dunkeld, to compair before the Council on [10th] July next to answer to the following complaint. That on June last he came to the water of Tay where the complainers servants were bleaching forty ells of cloth and "despitfullie tramped the cloath among the glar and sand," rendering it unprofitable to the complainant. That on 14th June instant when the complainers servants had won some turf in the comonnty of Dunkeld upon a warrant from the Bishop of Dunkeld, he intercepted the servant by the way, took the turfs from him and cut and destroyed them, and hurt and wounded the servant, threatening to take his life if he came again to get any turfs. Further, on Sunday last, the 22nd instant, "about the thrid bell," when the complainant was going peaceably to the Earl of Atholl's lodging in Dunkeld, to convey him to the kirk, the said Mr John, with respect neither to the Lord's day nor to his own position, being a commissary and bailie, came to the complainant on the highway and "with his meiffes shamefullie buffetted him on the face, kuist him . . . . . . [torn] . . . . upon him with his feit and when the compleaner was releieved be the nighbours . . . . Johnne went home to his hous and brought furth his sword followed the compleaner . . . . . . Atholl's lodgung, so as he behooved to be keeped there all that day till . . . . . . conveyed him home to his awne hous"

. . . . . . . . . . For his life he dare not keep his own house and his servants are terrified. Dated at Edinburgh, 26th June, 1634, and signed Ja: Prymacis.

Attached to the summons is another paper containing notes of two executions by Gilbert Henry, messenger, of two executions thereof by Gilbert Henrie, messenger, on 2nd July, 1634, (1) against Mr John Stewart, personally apprehended; witnesses, Patrick McCala, servitor to John, Earl of Athoell, and John Kilt, messenger: and (2) against James Moncur in Dunkeld (p.), Mr Andrew Chirrthtowie . . . . (p.), William Ros, notary there (p.), John Henderson, servitor to the Earl
186. Summons at the instance of Mr David Falconer of Glenferquhar, directing John Scobie, messenger, to cite Sir John Blacader of Tulliallan, to appear before the Council on 3rd July next on the complaint narrated ante, p. 304. Dated at Edinburgh, 26th June, and signed James Prymrois. On the margin is noted “10 July, 1634; persessor be Sir Alexander Falconer, his brother; defender absent: Decernis.” On the back there is noted the execution of the summons on 28th June, 1634; by John Scobie, messenger, against the said Sir John Blacader, personally apprehended; witnesses, Thomas Reid, chapman in Clakmannan, Patrick Law, servitor to the said Mr David Falconer, and Robert Blacader in Tulliallan: also a scroll minute of the finding in the case.

187. Supplication by Sir William Dowglas of Cashogill, knight, as follows:—He has been long in ward in the tolbooth of Edinburgh at the instance of some persons whose names are only borrowed by the Earl of Queinsberrie, who thereby seek to procure his utter wreck under colour of the supplicant’s escheat and livery, which the Earl alleges has fallen in his hands as lord of the regality of Drumlanrig, and the said Earl has arrested all his rents and meddled with all his goods, leaving him nothing for the support either of his own natural life, or his wife and children. By his imprisonment his whole estate is undone and his creditors are frustrated of any payment. He craves his enlargement, and that a macer be charged to warn the said Earl and also the provost and bailies of Edinburgh to compeer for that effect. [On the back] “Aput Edinburgh, 26 Junij, 1634. Fiat summomtio ut petitur to the day of . Geo: Cancelli, I.P.D.” There is also note of execution of charge on 4th July, 1634, by James Dowglas, macer, against William, Earl of Queinsberrie, to compeer before the Council on 8th July instant; witnesses, William Herres, sometime of Terrachtie, and James Ker, servitor to the said Earl. On the margin is noted the hearing of the case on 8th (f) July, when the pursuer compeared personally, and the Earl of Queinsberrie by George Deanes who declared that Cashogill was not detained at Queinsberrie’s instance and that he consented to his relief; whereupon the Lords ordain Cashogill to be put to liberty in so far as he is warded by Queinsberrie only.

188. Summons at the instance of Mr Alexander Innes, minister at 26th June the kirk of Rothiemay, as narrated ante, p. 344 dated at Edinburgh,
26th June, 1634, and signed J. Prymros. On the margin is noted, "Primo Juliij, 1634, perserwai personalie; defender absent; Decernis. 22 July, 1634, perserwai personalie; defender be the Bishop of Dumblane. Continewed with consent till this day aucht days." [Much mutilated.]

189. Summons at the instance of Mr John Stewart, Commissary of Dunkeld, and bailie of Dunkeld, narrating that on 2nd October last he caused apprehend and ward Thomas Michie, servitor to James Bannerman in Dunkeld, for the theft of some sheaves and burdens of corn from he having been taken with the fang, whereas the said James Bannerman, grudging, came under cloud and silence of night to the said Commissary's house in Dunkeld that same night, "and verie shamefullie and unworthie upbraided the bailie for imprisonning his servant, calling him ane greater thiefe nor his man and that it was rather the bailieis kynde to hing nor his mans, with a number of most opprobrious and contumelious raylings, holding all the while his hands at his durke, resolved to strike the baillie therewith, and using all maner of provocations to have irritat the said bailie to enter in some violent and dangerous conflict with him; quhilk the said bailieis wife, being then great with child, fearing, she presentlie tooke to her childbirth with ane great trembling and travelled sevin dayes in hazard of her life, and [since she] wes delyvered the childle wes possessed with the same trembling be the space of ane moneth thairefter." The said bailie comported with the misbehaviour of the said James in these circumstancies, hoping he would change, but he continued in his "inordinat and lawless" conduct, and on the 22nd instant, being Sunday, while the said bailie was standing about with friends and servants before the afternoons service, regardless of his office of bailie, struck him upon the face to the effusion of his blood at mouth and nose. Charge is therefore given to the said James Bannerman to appear before the Council on 8th July next; dated at Edinburgh, 27th June, 1634, and signed J. Prymros. On the margin is noted "Octavo Juliij, 1634. Parties personalie. Continewit to Thursaiday."

190. Summons at the instance of John Irwing in Auchinsleit against Robert Maxwell in Dinwiddie, steward principal of Annandail, who has recently apprehended him and warded him in the tolbooth of Dunfreis on the charge of stealing a sheep, of which he is most innocent. He will neither release him nor put him to trial, and he is like to starve for want. He is to appear before the Council that he may be ordained to liberate the complainer. The document is torn and mutilated, and the date is torn away save the year—1634. Attached to the summons is an execution dated 27th June, 1634, by James Wauch, messenger, against the said Robert Maxwell of Dinwiddie to compair before the Council on
8th July next. Not being personally apprehended at his dwelling place he is also charged at the market cross of Lochmaben; witnesses, Andrew Reid in Auldton, John Haliday and David ..., servitors to the said Robert Maxwell, at his said dwelling place; and John Johnstone, called of Thorniequat, and Christopher Braiche, maltman, burgess of Lochmaben, at the market cross there.

191. Summons at the instance of Bessie Wright, widow of Duncan Buchanan of Catter, against her son-in-law, John Graham, in Blairsconocke, as narrated ante, p. 327; dated at Edinburgh, 28th June, 1634, and signed JA. PRYMEROS. On the margin is noted "22 July, 1634. The Lords nominats the Master of Elphinstoun and Sir Archibald Achesoun to examine the witnesses the morne at sevin hours in the Laich Counsel hous at sevin of the clocke in the morning." Also proceedings and sentence on 24th July.

192. Summons at the instance of Isobel Ewart, spouse of William Dowglas of Pomferstoun, against William Dowglas in Pomferstoun, as narrated ante, p. 316; dated at Edinburgh, 30th June, 1634, and signed M. G. PRYMEROS. On the margin is noted, "xv July, 1634, pereswert be her husband; defenders absent; decerns." On the back is a note apparently about the execution of the summons on 1st July, 1634, and the names James Graham, David Ramsay and William Lynsay, all in Edinburgh, the citation being presumably to the 3rd July.

193. Note of executions on 30th June and 2nd July, 1634, by Thomas Paterson, messenger, of summons at the instance of Griffon Wmkills, as narrated ante, p. 294, against (1) James Tennant of Blakhall (p.), personally apprehended in South Williamstoun; witnesses, David Lyon and David Denbolme, servitors to the said James Tennent; and (2) against James Lathreish, and James Sibbald, personally apprehended, George Melvill in the Newtown (p.), William Melvill in Doniface, and Andrew Melvill in Sconie (ab.), at their dwelling place, and at the market cross of Coupar in Fyiff; witnesses, Mark Hill, servitor to the Laird of [Dun]das, and William Wilson there, James Couper, John and Walter Sibbald, sons of the said James Sibbald, and John Philip, stabler in Couper; all being charged to compear before the Council on 3rd July next. On the back is noted a scroll of the decrees and finding in the case.

194. Summons at the instance of the provost and bailies of Edinburgh, directed to John Stirling, messenger, to charge William, Earl of Erroll, Lord High Constable of Scotland, and Mr John Keith, servitor to Mr Thomas Nicolsone, younger, advocate, who is accused of wounding James Tenent, servitor to Sir James Nicolsone of Colbrandspeth, to
appear before the Council on 24th June instant, dated . . . [torn] . . . 
June, 1634, and signed Ja. Prymrois. On the margin is noted, "24 
Junij, 1634, persewaris personalie with Mr Thomas Nicolson, elder, 
their procurator; the Earle of Erroll personalie. The persewaris 
proponit a declinatour apone the Chancellor as having subscrivith 
the report maid to his Majestie concerning the Constables previledges 
quhairin he hes affirmed to his Majestie the point in questiouin; and 
agenis the Thesaurar and Lorne as cousine germanes to the Constable. 
Repellis bothe. Continewed to this day eight dayes.

Primo Julij, 1634. Provest and bailies personallie; the Earle of 
Erroll excused by a testimoniall of his sicknes. Continewed to this day 
eight dayes."

195. Summons at the instance of Thomas and George Simsoun 
against James Dowglas, elder, in Lugtown, narrating that Dowglas leased 
to the complainers and others certain of his lands in Lugtown for eight 
years from Martinmas, 1629, for the yearly rent of £60, and by the 
terms of the tack was obliged to relieve them of payment of the teinds. 
Dowglas borrowed up their tack upon his faithful promise to return it 
injured, and gave it in keeping to his son Archibald Dowglas, "and 
upon the day of last in Mr John Oliphante chamber, shiref clerk of Edinburg, took the same from him, and despefulie and 
maliciously rave, cancelled and destroyed the said tack." Charge is to 
be given to the said James Dowglas for his compearence before the 
The deed is greatly destroyed.

[ . . June] 
1634.

196. Summons at the instance of Griffon Wmkills in Harnam, in the 
county of Northumberland, as narrated ante, p. 294; dated . . . (torn) 
. . . 1634, and signed Ja. PRYMROIS. On the margin is noted the 
hearing of the case on 3rd July, 1634.

197. Charge at the instance of Patrick Edmistoun of Wolmet against 
Mr James Raithe of Edmistoun to refrain from enforcing his letters, as 
narrated ante, p. 316, as he has found . . . . . . . of Schanke, cautioner 
for obedience if it be found he ought to do so; dated at Edinburgh, . . . 
June, 1634, and signed Ja. Prymrois. On the margin is noted a scroll 
of the proceedings on 15th July.

198. Note of execution on 1st July, 1634, by James Grahame, 
messenger, of a summons at the instance of Isobel Ewart, spouse to 
William Douglas, farr of Pumpherton, and the said William, at the 
market cross of Edinburgh, against William Douglas and Marion Bruce, 
his mother, for their compearence before the Council on 3rd July 
instant to answer their complaint against them, narrated ante, p. 316;
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witnesses, David Ramsay of Torbain, and William Lyndsay, indweller in Edinburgh.

199. Notes of two executions in the same matter on 1st July, 1634, 1st July 1634. by John Johnston, messenger, (1) against William Dowglass in Pumpherstoun and Marion Bruce, his mother, the latter personally apprehended John Johnston, messenger, and the former by delivery at his dwelling house in Pumpherstoun, to appear as above; witnesses, Hew Schaw in Pumpherstoun, and Samuel Johnstoun, the messenger’s son; and (2) against James Dowglass, James Mowtray and James Hamilton, all in Pumpherstoun, and personally apprehended, as witnesses in the case; witnesses, James Chysholme, servitor to William Dowglass, sier of Pumpherstoun, and the foresaid Samuel Johnstoun.

200. Summons at the instance of Archibald Dunbar of Baldone against Sir Patrick Agnew of Lochnaw, commissioner to Parliament for the sherrifdom of Wigtoun, for suspension of the latter’s charge against him to pay to the said Sir Patrick 14s. 8d. for each of his pound lands within the said shire, which lands are not subject to the said stent, seeing they are the property of the Crown and set in feu for payment of a great feu duty. No part of the Crown property is burdened with these contributions for the expenses of the parliamentary commissioners, “because our fencers reape no benefit, credite, nor commoditie be the barons vote in Parliament, nather doe the saids small barons and freihalders in anie part of our said kingdome acknowledge our fencers to be a part of their bodie; they ar not callit to thair courts nor to nane of thair meetings and gives no sute nor presence at thair courts, hes no handling nor mending in thair effaires; and they acceept nane to be of thair number bot onelie the small barons and freihalders halding of us” . . . (torn) . . . bar of Baldune’s brother is the feuar of the lands and the complainer is only tenant. However, he has found William Glendonyng of . . . (torn) . . . cautioner in case he be found liable in payment; dated 1st July, 1634, and signed Ja. Prymrois. On the back there is a note of the execution of the summons on July, 1634, by John Dunlop, messenger, against the said Sir Patrick Agnew, personally apprehended in the burgh of Edinburgh; witnesses, James Eistoun, and . . . . Leslie, messenger, both in Edinburgh.

201. Supplication by Charles, Earl of Dumfermeline, Sir James, 1st July 1634. Fouls of Collingtoone, Sir James Hamilton of Reidhall, Mr John Cant of Laurenstoune, Adam Cunningham, advocate; and James Hoom, Alexander Hay, Mr John Elphingstone, John Lookup, James Mathesone and Matthew Mitchell, all in Leith, for themselves and for the kirk and poor of Leith, against Mr William Wishart, parson of Lestalrig, with reference to the preceptory of St. Anthons, as narrated ante, p. 296.
REGISTER OF THE COUNCIL.

SOUTHESS." Also note of execution on 2nd and 3rd July by Mr William Dowglas, macer, against Mr William Wishart, parson of Restalrig, Mr Adam Hepburn, servitor to Thomas, Earl of Hadintoun (p.), also the said Earl for his interest, Mr Alexander Hay, Writer to the Privy Seal, Mr William Chalmer, Treasurer’s Clerk and Keeper of the Treasurer’s Register, and the Lords Treasurers, principal and depute, to compear before the Council on 3rd July instant, and to bring with them their books and the impugned signature; witnesses, James Dowglas, macer, and John Dowglas, his servitor. There is also noted on the deed the hearing of the case on 3rd July, and that the parties were personally present "except the parson."

1st July 1634.
Supplication for protection by John Dunbar of Moynes and Robert Dunbar, his heir.

202. Supplication by John Dunbar of Moynes and Robert Dunbar, apparent thereof, for the extension of their protection, as narrated ante, p. 292. [On the back] "Apud Edinburgh, primo Julii, 1634. Fiat ut petitur to the fifteen of this instant. GEO. CANCELLER, I.P.D."

203. "At Edinburgh, 26 of Junij, the yeere of God jmvjxxiiiij yeeres, the Lords of Secret Counsell ordanis a maissier to pas and warne Sir James Lundie, knicht, to compear personallie before the saids Lords upon Tuesday nixt, the first of July, to answere to the petition given in to the Kings Majestie aganis him be John Lundie of that Ilk, of the quhilk petition ordanis a copie to be deliverrd to the said Sir James, and to heere and see suche order tane thairenant as appertaines, under the paine of rebellion and putting of the said Sir James to the horne, with certification to him and he faylie letters sall be direct simpliciter to putt him thairto.

Primo July 1634. Parties personalie. The Lords ordanis Sir James Lundie to make ane answerr in writt to the Laird of Lundeis articles upon Thursday nixt.

1o July, 1634. Parteis personalie. - Sir James gave in his answerr in writt conteining a declarator of the Counsell as incompetent Judges, quherunto it was answerrd be Mr John Gilmour, proloquent for Lundie, that they wer not insisting for a definitiv sentence upon anie point of right bot onelie for a precognitioun and tryell of the fraude and circumventioun committed be Sir James in the mater compleanned upon.

The Lords find thameselfs nowayne judges to the validitie or invaliditie of Sir James Lundie his infeftmentis or other rights quhatsomewer, nor yitt judges to the tryall of quhatsomewer fraud or circumventioun alledget used be the said . . . may infer or be used for infringeing or annull . . . . feftments and rights. Bot the Lords for obedience . . . letter declares that they will proccede to the tryall . . . said Sir James his dewtie and behaviour . . . others his proceedingis
towards his three nephews. . . . deease of the Laird of Lundye his brother and after truall . . . mak report thairof to his Majestie accordinglie."

204. "Answera for the part of Sir James Lundin to the Articles given in aganis him be John Lundin of that Ilk, quhairunto the Lordis of his Majestis Secretis Counsell hath ordaned the said Sir James to answear.

The said Sir James maketh this generall answear to all the saide Articles that the samyne beiring a progress of the tymes and circumstances when and how the said Sir James came to the richt and possession of the lands and leving of Lundie ar mere civile and aucht properly to be discussit be the Lords of Sessioun, and (without offence be it said) the Lords of his Majesties Secretis Counsell ar not nor cannot be competent judges in suche causes, nor use they to determine in matters of that kynd, as is notour to thair Lordships selves, for gif his richts and infeftments of the saide lands wer nocht gude and validle frome the begining and sua his possession unualauchfull and vitious, which is not, he shall ansewer thairto as accords of the law whensoever he beis persewit befor the said ordinar and civile judge, and whilk infeftments, richts and possession, the said Sir James being convened, as said is, shall schaw and evince to be most valide and effectull, and to have bene so frome the begining, and that the saide hall articles given in aganis him ar nothing bot groundles inforamationes and wrong and calumnious suggestiounes."

205. "Ane nott of Sir James Lundy his hall procedair how he . . . 1st July 1634. come to the trust of the leving of Lundye.

Wmyquhile Johne Lundie of that Ilk, brother germane to the said Sir James Lundie, deceisit in anno 1605, at the quhilk tyme wmyquhile James Lundie, eldest son and air to the said wmyquhile Johne, was be advyse of freindis mariet upone Katharine Lyndessy, sister to Johne, Lord Lyndessy, tua dayis befor his fatheris deceis without proclamation for eschewing of the ward and marig, and at the same tyme the said wmyquhile John Lundie of that Ilk, be his letter will and testament, maid and constitut William and Johne Lundieis, his sones, his onlie executouris and intromittouris with his guidis and geir, quhilk extendit to the sowme of 30 thousand merkis and abone.

Now, after the deceis of the said wmyquhile John Lundie of that Ilk, the freindis of the hous, finding the said wmyquhile James Lundie, eldest son [and] air to the said wmyquhile Johne, vnable to governe his awin estait and so minor in understanding thocht nocht in yeiris, the saidis freindis maid choice of the said Sir James, his uncle, to quhome thay committit in trust the governement of the hail estait and bairnes with this condi-
tion that within sewin yeiris thairefter he suld releive the landis of the saild detts and provyd the haill bairnes, qhilk the said Sir James promiseit to do in presence of famous witnesses omni exceptione majore.

Now, at his first entrie to the government of the estait he makis the haill detts licht upone the plenisching, qhilk ws left, as said is, to Williame and Johne Lundies, and pat thame both furth of the cuntrie to fecht for thair leiving. Thairefter umquhile James Lundie, his mariaq nocht being ordourlie done, was challenge be the Thesaurar for the tyme, for the qhilk Johne, Lord Lyndessay, componit with the Thesaurar for ane thousand pundis, and thairefter desyrit the said vmquhile James Lundie, his brother in law, to pay the said sowme to the Thesaurair to the end that he mycht tak the gift of the waird in his name, qhilk the said vmquhile James, be advyse of the said Sir James, his uncle, refuisit to do, quhairupone my Lord Lyndessay did tak the gift of the waird in his awin persone and so refuisit to pay any tocher at all. Wpone the qhilk refuisall Sir James did steir his awin tyme and so to circumvine the simpill man cumes to the said James and schew him how uncorouselie his gudbrother, my Lord Lyndessay, did use him in taking of his waird and mariaq, and that seing the said Lord Lyndessay did refuis to pay ony tocher it was na resone to infeft Katharine Lyndessay, his lordships sister, in any conjunctie, qhilk the said vmquhile James Lundie, his spous, was obleist to do be contract of mariaq and schew him that the onlie way to eschew that infeftment wes to resigne the haill landis in his majesties handis in favour of the said Sir James and so he having no land . . . . . . infeft his yffe in conjunctie. The simple man upone . . . . promiseis to repone him in his awin place agane quhensoever he . . . . so, and so the said Sir James wes infeft in the haill landis . . . . ony bak band and so remanit in possessioun of the saidis . . . . of auchtene yeiris applying the haill rent thairof to his awin use . . . . syvve scoir chalderis victuall yeirlie (exceptand onlie intertenem . . . . and the lady and nocht havand ane servand to attend thame. So the . . . . said Sir James miscarriage to thame both the lady deceissit the . . . . in anno 1620, qhilk wes fyftein yeirs efter the said Sir James . . . . nement of the estait and within the space of sex monethis . . . . decess he did send the Laird himsell being of liij yeiris of age . . . . cuntrie to seik his fortoun at the weiris with his uther tua brether, William and Johne, and within the space of ane moneth efter his landin in Suidin he deceissit.

Than, efter the decess of the said James, vmquhile Williame Lundie, his brother, his narrest and lauchfull air, being for the tyme ane capitane in Suidin, heiring of his brotheris death come hame to succed to his brotheris estait, bot far by his expectationn finds that Sir James, making use of his brotheris simplicitie, had intrudit himself in the land and so wes standing infeft chairin and, befor he wald denud himself of the land quhairin he wes onlie intrusit, first he takis his haill tocher gud frome
him extending to the sowme of thretie thrie thousand merkis (albeit he was forced to give the same back again because the said William died within the yeir after his marriaige) for payment of his fatheris dettis, for paying of the quhilk dettis Sir James had befoir, as said is, takin frome the said William and Johne their fatheris haill guidis and geir, extending to the said sowme of fourtie thousand merkis; as also he takis him bund for the payment of twel thousand merkis for the plenisching on the Maynes of Lundie quhilk wes ane part of that same geir left to him be his said umquhile father. So that, first, he takis his bairnes parte of geir frome him to pay his fatheris dettis, Secundlie, he takis his tocher gude frome him to pay that same dett de novo (albeit he repayed it agane), Thridlie, he causis him by his awin geir bak agane, Fourtilie, for his gud offices done to the hous be his dispoisitioun to William of the landis he reservis his awin lyffrent of the Maynes of Lundie and forces the said William to tak ane tak bak agane fra him of the said maynes for yeirlie payment to the said Sir James of tua thousand merkis yeirlie during his lyftime, quhairby the said Sir James acknowledges in effect that he wes onlie put in trust in the saidis landis, yet nochtwithstanding be his dispoisitioun maid to William the said Sir James provydis himself air of tailyie failyeing airis maill of the said Williams awin bodie, and after the said Williams deceis nochtwithstanding of the said trust Sir James maid use of the said tailyie and obtenit himself infett de novo in the landis and intromettit with his haill guidis and gear, quhilk wes worth tuentie ane thousand pundis and abone.

And thairefter Johne Lundie, now of that Ilk, brother and narrest and lauchfull air to the said umquhile William, having delt with the said Sir James both be himself and be his honorabill freindis as being trew air, to quhais behuve he wes onlie intrustit, to denud himself of the estait in his favouris he forcit the said Johne, he having nather wreitt nor legall obleisment quhilk culd compell him thairto to yeild to sic conditiones as he craivit, quhilk wes so rigourous as gif the said Johne had bene ane stranger to haif maid conquesis of the landis he culd hardlie bene burdanit with moir strait conditiones; nochtwithstanding the said Sir James in presence of famous witnesses omni exceptione majore had ever prowest himself to haif bene ane persone quha in respect of his proximitie of band to the hous had tane doing upone him in trust to the behoive of the trew airis and prowest that in effect he wes and wald be ever bot ane chalmerlane to the hous of Lundie, and yit wald never quytt his richt committit to him in trust bot upone the rigorous conditiones following:—

First he tuilk frome the said Johne the sowme of tuentie thousand merkis for payment of his fatheris dettis quhilk dettis suld haif bene payit with the [plen]isching takin be him fra the saidis William and Johne, as said is, nixt . . . . the said Johne obleist to provyd his haill brether and sisteris extend[ing] amangis thame to the sowme of
tuentie four thousand merkis, quhilk wes Sir James pait till haif done first, conforme to his promeis to the freindis of the hous, as said is, at his first entrie in trust to governe the estait nixt as universall intromettour with the said wmoquhile Williams guidis and geir quhilk belangit to his saidis brether and sisteris as executouris to him; than he takis the said Johne obleist to pay the said Williams haille dettis, extending to the sowme of sewin thousand merkis; moir he forces the said Johne to by the plenisching of Lundie, quhilk belangit to himself first as executour with the said Williame to his father and nixt as onlie executour to the said Williame, seing he provydit the rest of the bairnes to the sowme abonewrittin. And last of all he takis him obleist to warrand him at the handis of all persones quhatsumeuer havand entres or may challenge him for quhatsumever thing as being ane Laird of Lundie or intromettour with his father and brether thair guidis and geir. And nochtwithstanding of his intromiission with the said wmoquhile Williams guidis and geir he hes nocht nor will nocht confrime the said Williams testament, and in respect of his refuissall the procurator fiscal of the Commissariat of Sanct Androis hes disponit his guidis and geir to aie stranger and brocht the saids Jhon in that inconvenient to pay the haill sowmes contenit in the said testament because Sir James hes him obleist to warrand and kelp him skaithles thairof at all handis, lyk as he hes maid intimation to him under forme of instrument to warrand him thairof according to his band. And mairour in the dispoisioun maid be him to the said Johnne of the landis he reservit his swin lyffrent of the Maynes of Lundie and hes set the said Maynes to the said Jhone in tak for yeirlie payment to him of tua thousand merkis during his lyftyme. All thir forsaidis obleismentis the said Johne was forcit to grant to befoir the said Sir James wald denud himself of the landis quharin he wes put in trust. Qhilk trust and his professioni and confessioun of the samyn the said Johne offerit him to preive, as said is, quhilk being provin it followis necessar of the law that all the forsaid strait conditiones and obleismentis man be presumit to have bene extortit out of the said Johne in debite et sine causa seing the said Sir James can not condescend upone nor qualifie ony trew caus of the granting thairof for the quhilk the said Johne was dettour to him alliunde bot onlie to mak him denud himself of the said estait quhilk wes dew into him and quhilk he wes obleist to do without ony gratitut or gud deid.

And farder the said Sir James Lundie forced the said Johne Lundie to undertake the payment upoun him of thretteine thousand merkis for byrun spuilyes of the teyndis of Lundy quherwith he intrometted himself."

(Signed at the foot) JA. GALLOUAY.

1st and 2nd July 1634.

206. Notes of three executions by James Leslie, messenger, at the
instance of Mr Andrew Ramsay, in terms of his complaint narrated ante, p. 317. (1) on 1st July, 1634, against the Earl of Linlithgow, both at his dwelling place and the market cross of Linlithgow, to compear before the Council on 8th July; witnesses, James Erskene, merchant in Edinburgh, and John Heart, son of John Heart, messenger there: (2) on the same day against Alexander, Lord Elphingstoun, and John Livingstoun of Hayning, at their dwelling places of Elphingston and Hayning, to the same effect and before the same witnesses: and 3) on 2nd July, 1634, against the said Lord Elphingstoun and John Livingston at the market cross of Striviling before the same witnesses. On the back there is noted a scroll of the decision of the Lords in the case.

207. Notes of two executions on 2nd July, 1634, by John Kilt, messenger, of a summons at the instance of Mr John Stewart, sizar of Ladywell, commissary and bailie of Dunkeld, (1) against James Banerman, citizen of Dunkeld, personally apprehended, to appear in Dunkeld before the Council on 8th July instant; witnesses, Robert Mvray, citizen in Dunkeld, and Gilbert Hendrie, messenger; and (2) against James Moncur, citizen, and Thomas McNab and D avid Cywmig, notaries in Dunkeld, all personally apprehended, as witnesses in the case; witnesses . . . (torn) . . . of Drumacres, William Selar in Inshewin and Gilbert Moncreif . . .

208. Supplication by Fergus Grahame of Blaustwood for a protection, 3rd July 1634. as narrated ante, p. 296. [On the back] “Apud Edinburgh, 3 July, 1634. Fiat ut petitur to this day eight days. GEO: CANCELL”. Grahame of Blaustwood.


210. Extract of the Act of Council in the matter between the Kirk and Session of Leith and others and Mr William Wishart, regarding the preceptory of St. Anthons, printed ante p. 296. Signed by GEO. CANCELL”, MORTON, GLASGOW, ERROLL, WIGTOUN, KINGORNE, ANNANDAII, LAUNDERDAII, STERLINE, SOUTHESK, and TRAQUAIR.

211. Summons at the instance of Griffon Wmkills against Henrie Grinlay, as narrated ante, p. 301; dated at Edinburgh, 3rd July, 1634, and signed Ja: PRYMOBIS. On the margin there is a short note of the hearing of the case on 8th July.

212. Charge at the instance of Mr James Raithe of Edmestoun against 3rd July, 1634.
Patrick Edimestoun of Wolmet for obeying the decrees of the Council of 17th June last (ante, p. 316), which he is refusing to do, and which, if he do not obey within three days, he is to be put to the horn; dated at Edinburgh, 3rd July, 1634, and signed J.A: PRYMROIS.


3rd July 1634. George Ker and his apprentice.

214. Finding of the Lords upon the supplication by George Ker, tailor, burgess of Edinburgh, for the apprehension of James Ford, as narrated ante, p. 295.

215. Deed of Ratification by Mr William Wishart, parson of Restalrig, narrating that his Majesty on 16th July, 1630, granted to him a presentation under the Privy Seal for life to the preceptory of St. Anthonis beside Leith with all lands, duties, teinds and other pertinent thereof so far as they have been known to belong to the said preceptory or hospital of St. Anthonis with the site thereof and of its kirk and kirkyard and other yards and orchards, where they stood of old, together with all sums of money and other payments mortified and doted thereto in time past; and being most willing to secure the session, elders, deacons, members, and incorporation of the said session of the south kirk of Leith and their successors for ever in name and behalf of the poor of the hospital thereof in whatever thereof they were provided by his present Majesty or his father, he therefore ratifies and approves a charter under the great seal dated at Quythall, 2nd March, 1614, by King James the Sixth to the ministers, elders, and deacons of the Session of the said Kirk of Leith and their successors in behalf of the poor of their hospital of all lands, duties, and all other pertinent of the said preceptory or hospital of St. Anthonis beside Leith; and he renounces all action he has for reduction of the said charter and all infeftments and deeds following upon it. There is added a procuratory of resignation, but the deed is not dated, signed nor attested.

4th July 1634. Note of execution by James Bisset, messenger, on 4th July, 1634, of charge by Mr James Reath of Edmestone against Patrick Edmestone of Wolmet at his dwelling place. (See No. 212 supra); witnesses, Patrick Symson, servitor to the said Mr James Reath, and Robert Diksone, servitor to the said Patrick Edmestone.
217. Note of execution on 4th July, 1634, by John Kilt, messenger, 4th July 1634. at the instance of Mr John Steuart, bailie and commissary of Dunkell, against Mr Andrew Creychtoun, schoolmaster in Dunkell, and William Ross, notary there, both personally apprehended, to compear before the Council on 8th July instant, as witnesses anent the riot committed by James Banerman in Dunkell against Mr John Steuart; witnesses, Mr William Glas, minister there, and Patrick Toschach there. In an appended list of five witnesses other three names are given, Thomas McNab and David Cumming, notaries, and John Hendersoun.

218. Note of execution on 4th July, 1634, by John Kilgour, messenger, at the instance of Mr Alexander Innes, parson, vicar and minister at the kirk of Rothiemay, against Catren Forbes, Ladie Lady Rothi-Rothiemay, to compear before the Council on 22nd July next (see ante, p. ); witnesses, Richard Craig in Aberdein, and John Kilgour, younger, in Old Aberdein.

219. Supplication by Robert Keith in Garvell, as narrated ante, p. 5th July 1634. 304. [On the back] "Apud Edinburgh, quinto Julij, 1634. Fiat ut petitur. HADINTON." Also note of execution on 7th July, 1634, by William Dowglas, macer, against William Dick, William Gray, and William Reid, one of the bailies of Edinburgh, for himself and in name of the remanent magistrates, personally apprehended, to appear before the Council on 8th July; witnesses, James Dowglas, macer, and John Dowglas, his servitor. There is also noted on the margin the proceedings in the case on 10th July, and a scroll of the decision itself is drafted on the back.

220. Note of execution of summons by George Andersone, messenger, 6th and 7th July 1634. on 6th and 7th July, 1634, at the instance of John, Earl of Mar, lord of the lordship of Carderhous [Cardross], against Sir John Ogilvie of Innerquharitie, knight, and George Ogilvie of Fornatie, both personally apprehended, to appear before the Council on 17th July; witnesses, John Ogilvie and George Ogilvie. John Simsone, traveller, Robert Alschunder, servitor to the Laird of Innerquharitie, and William Couper, servitor to the messenger.

221. Note of execution on 7th July, 1634, by Thomas Paterson, messenger, of summons at the instance of Griffone Wmkillis of Harnane in the county of Northumberland, against Henry Grinlay in Hawthorn-syke, at his dwelling house there, and also at the market cross of Linlithgow, to appear before the Council on 8th July instant; witnesses, John Grinlay, father of the said Henry, and John Abernethie, James Kewing, messenger, and Thomas Tailyeour, indweller in Linlithgow.

222. Note of execution on 7th July, 1634, by Andrew Dunbar, 7th July 1634.
Note of execution against William Gordon of Arradoull.

Note of two executions against Thomas Stewart and others.

7th July 1634. 223. Note of two executions on 7th July, 1634, by William Middelton messenger, of summons against Thomas Stewart (deleted), James Alexander and Henry Merser to appear before the Council on 24th July; witnesses, John Gordon in Fordyce, William Synnone in Midhill, and Walter Fraser in Aves; and (2) against Mr Thomas Mortimer in Breidheuch, John Din in Midhill, Walter Walker in Ryland, Andrew Baxter, William Myll, James Merser, John Allane in Garrallmane, Andrew Elia and Andrew Paterson, as witnesses in the same case; witnesses, Walter Fraser in Avey, George Davidsone in Banff, and in Fordyce.

7th July 1634. Summons at the instance of Elspeth Maisson, lawful daughter of the deceased William Maisson, merchant burgess of Edinburg, and Mr Gabriel Rankene, now her spouse, against John Maxwell of Castelmilk, as narrated ante, p. 347; dated 7th July, 1634, and signed JA: PBYMROS. On the margin is noted the hearing of the cause on 1st August, 1634, and on the back note of execution as in No. 263 postea.

7th July 1634. Letter of the Steward of Annandale to the Council anent John Irving, accused of sheepstealing.

225. "Rycht nobill and potent. Pleas your lordships—Quhaires Johnne Irving in Awochinstork, parochine off Drysdail, being suspect off thift and ane great number off scheepe beand stollin at severall tymes frae the minister of the said parishe and sundrie utherres honest men his nibtubores—quhilkis honest men accompanyet with the searcharres appointit be his Majesties Commissionerres off the middllschyres for the said parochin off Drysdaill and certane utherres honest folkis and nibtubores come to the said Johnne Irving his hous to rype for their scheep, quhae haweing denyet all wes layd be thame to his charge, the saides searcharres rypit his howses and fand hid privatlie thairin ane scheepe new slaine togidder with the skin quhilk Johnne Johnnestoun in Clewecheidis, ane off the honest men quhae wanted thair scheepe, kewn to be his awin be the mark and burne of the same; and lykeways they fand uther sax scheepe skinnes hid togidder with twa pokkefulles off wooll and ane great number off scheepe bonnes hid under ane bed; and the said Johnne Irving, being presentit be the saides searcharres to me as stewart off Annandail, I, quhill farder trystell had been takin thairanent, committed him in the pledge challmer off Drumfres; quhae, upon sinisterous information to your Lordships, hes purcheseit his Majesties letters chargeing me to compeir befoir your Lordships to
heir and see him put to libertie as being innocent off these crymes foirosaidis. Qhhairfoir these ar to schawe your Lordships that the deteining off the said Johnne Irving in waryd was onlie upon forder tryell off his malefactes, the cultrie being oppressit be the suche pyk . . . . theeoff swa that gewe sik practises be observit in putting to libertie such persownes committit for the lyk crymes it will incourrage thame swa to continew in thei . . . . thift as that it sall not be posseibill for honest men to preserve their bestial unstollin. And swa remitting these to your Lordships . . . . . . I humblie tak my liwe and remains, your Lordships servitor, DINVODIE.”

Dated at “Dinvodie, the 7 of Julij, 1634.”

Addressed “To the wery honorabill and nobill Lordis, the Lordis off his Majesties Secret Counsell.”

226. Supplication by John Murray, one of his Majesty’s servitors, as 8th July 1634. Supplication by John Murray, one of his Majesty’s servitors, for a summons against John Howie, tailor, burgess of Edinburgh, for payment of £16 or thereby, which he alleges he spent for furnishing on the supplicant’s account in his Majesty’s service while his Majesty was lately here, he being an under servant in the supplicant’s service, but he did so without any warrant. Yet he is willing to make him all the satisfaction that lies in his power and to assign him so much of the fees due to him for his service of which he has as yet received nothing. He therefore craves that their Lordships would cite the said John Howie before them to this end. [On the back] “Apud Edinburgh, octavo Julij, 1634. Fiat ut petitur. Ad B. of Dunblane.” Also note of execution by Mr William Dowglas, macer, on the same day of the citation against the said John Howie at his dwelling house; witnesses, James Dowglas, macer, and James Dowglas, Admiral officer. On the margin is noted “xv Julij, 1634. Parties personalie. Ordains John Murray to be returnit to his waryd.”

227. Supplication by Christian M’Caitnay, indweller in Edinburgh, as follows:—On April last, under cloud and silence of night, she was going to take her natural rest when Susanna Paterson in the Cannogait desired her to come out of her house and give her a word, which having done at her desire, and having come to the street of the Cannogait, the said Susanna procured a warrant from Mr James Wilkie and James Symson, bailies there, and had her taken with violence to prison. Here she remains like to starve, although she has injured no one and has been unwarrantably apprehended, being his Majesty’s free liege. She craves summons against the said Susanna Paterson and the bailies. [The indorsement on the back is torn away, save the signature] HADINTON. There is a note of execution by Mr William Dowglas, on 8th July, 1634, against the said Susanna Paterson, also against the said James Symson, delivery being made to his servant, William Brock, for their compearing before
the Council on 8th July; witnesses, James Dowglas, macer, and John Dowglas, his servitor. On the margin there is noted "xy July; parties personally: Ordains Christiane McCaitney to be returned to her ward."

228. Note of two executions by Robert Merrieleyis, messenger, of a summons (1) on 8th July, 1634, against James Douglas, elder in Lugtoun, personally apprehended, to appear before the Council on 10th July; witnesses, James Briges, David Briges and John Stevin, indwellers at Dalkeith: and (2) on 9th July, 1634, against John Neiving in Herdane . . . . , Arthur Stratoun, W.S., in Edinburgh, James Aitkin, writer there, and Archibald Douglas, servitor to Oliphant, sheriff-clerk of Edinburgh, all personally apprehended, as witnesses in the same case; witnesses, Robert Clerke, servitor to the said John Neiving, John Gourlaw, servitor to James Dowglas, macer of the Privy Council, John Stewart, writer in Edinburgh, and another . . . . officer there.

229. Scroll of the Acts of Council upon 9th July, 1634, relating to the matter of Griffon Wmkill and his stolen cattle, as narrated ante, p. 301. There are also written on the paper the following names:—"Robert Maxwell of Dinwodie, Adam Carilell of Brydkirke, Androw Murray of Murrinhat.

230. Summons at the instance of Mr William Clogie, minister at Innerness, and the provost and bailies of the said burgh, against John Rid and others in the complaint narrated ante, p. 342; dated at Edinburgh, 9th July, 1634, and signed JA: PRYMBOIS. On the margin there is noted "Ultimo Julij, 1634. The minister and Duncan Forbes personalie: the defender present, Francis Duff with . . . Primo Augusti, 1634. The Lordis recommendis to the Bishop of Glascu and Sir Robert Gordoun . . . ."

231. Summons at the instance of Andrew Hay, W.S., narrating that on 14th and 15th November last Robert Scot of Dryhope, as principal, and Samuel Cockburne of Henderland and Andrew Scot of Howden as cautioners, were put to the horn at his instance for not paying him 2400 merks with due interest, £40 of penalty and £225 of expenses, which they disregard, and charging these persons to appear before the Council on at Edinburgh. Dated 10th July, 1634, and signed JA: PRYMBOIS.

232. Note of executions by Patrick McAwlay, messenger, of a summons at the instance of Bessie Wright, widow of Duncan Buchannan of Casly [sic], as narrated ante, p. 327, (1) on 11th July against John Grahame of Blairnessnoch, personally apprehended in presence of Walter Buchannan of Drummakill, Edward Buchannan of Spittall, and John
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McLewqhar, his servant; and (2) on 10th and 11th July, 1634, against Walter Buchanan of Drummakill (ab.), Thomas Buchanan of Catter, his brother (ab.), Edward Buchanan of Spittal (p.), George Buchanan, notary (p.), all personally apprehended; and the said messenger also caused John Grahame, officer, to summon William Blair of Finneilk Malice (p.), John Lekkie, notary in Leadleane (p.), Patrick Lekkie, portioner of Wester Catter (p.), John Lilburne, ferryman at Catter Boat (p.), and Andrew Logane, miler at Catter Mill (p.), as witnesses, copies of the summons being left with their wives as they could not be personally apprehended; witnesses, Patrick M’ilhoise in Ardinpryor, Duncan Buchanan, notary in Kippane, Robert Grahame, servitor to John Grahame of Rednyk, John Buchanan of Ros and William Buchanan, his brother; all to appear before the Council on 22nd July. On the back is noted a scroll of the finding of the Council in the case.

233. Note of two executions of summons at the instance of John Lundie of that Ilk and others by James Leslie, messenger, (1) on 11th and 13th July, 1634, against Sir James Lundie, personally apprehended within the burgh of Edinburgh, before John Lundie, servitor to John Lundie of that Ilk, and James Murheid, writer in Edinburgh; and (2) on 13th July against Sir Robert Hackat of Pitfarrane, knight, and [James Hamilton] of Kilbrachmont as witnesses, both personally apprehended, before James Angus and . . . . , servitors to the Laird of Pitfarrane, . . . John Skene, clerk to the Lords of Session, and Walter Burne.

234. Summons at the instance of Sir Thomas Hope of Craighall, 12th July 1634. King’s Advocate, and Mr Peter Kennowie of Kettlestoun, against the provost and bailies of Linlithgow, as narrated ante, p. 320; dated 12th July, 1634, and signed Ja. Prymoirs. On the back there is a note of the hearing of the cause.

235. Summons at the instance of John, Earl of Wigtoun, and Sir Thomas Hope of Craighall, King’s Advocate, against Thomas Porteous of Glenkirk and others, as narrated ante, p. 324; dated at Edinburgh, 12th July, and signed Ja. Prymoirs. On the margin is noted “17th July, 1634, persewers personallie with Thomas Porteous. The Lords continuinews the mater till Tuesday next, and ordains the persewers to give the defendeer a full copie.” Also a note of the finding on 22nd July.

236. Summons at the instance of John Lundie of that Ilk against: 12th July 1634. to compear and testify as witnesses in the mater of his com- plaint against his uncle, Sir James Lundie, and also against the said Sir James himself; dated at Edinburgh, . . . July, 1634, and signed Ja. Prymoirs. On the margin there is noted the proceedings in
13th July 1634.

Notes of two executions by James Mwdy, messenger, on 13th July, 1634, of a summons in the complaint narrated ante, p. 329, against (1) David Andirsoune by Byris, Margaret Tassie, his mother, Thomas Allane and Ninian Hamilton, her servitors, all personally apprehended, to appear before the Council on 22nd July; witnesses, John Andirsoune in Balschagrie, John Andirsoune, son of the complainant, Andrew Mwrisoune, servitor to the goodman of Duchald, and John Lock in Meikle Govane; and (2) against Andrew Younger in Partick (this name deleted), James Crawford there (p.), William Crawford in Meikle Govane (p.), Thomas Rowand there (p.), John Craig (p.), John Hamilton (p.), John Arthur (p.), Thomas Hill (p.) John Drew and John Scott, as witnesses, all personally apprehended, before the same witnesses. On the back there is a scroll minute of the hearing of the case.

14th July 1634.

Note of execution of summons at the instance of John Lundie of that Ilk, on 14th July, 1634, by Alexander Johnstoun, messenger, against Mr Patrick Lyndsay of Wolmerston, personally apprehended, and also Mr William Scott, minister at Cupar, at his dwelling house there, to compair before the Council on 17th July instant, to testify what they know touching Sir James Lundie's behaviour in the trust concerning the estate of Lundie and the late Laird of Lundie's children; witnesses, Mr John Lyndsay, lawful son of the said Mr Patrick Alexander Bruntoun, servant at Wolmerston, witnesses at Cuper, James Litilljhone, servitor to David Andersone, common clerk in Cuper, and Thomas Johnstoun, the messenger's son.

14th July 1634.

Summons at the instance of the Provost, bailies and council of Linlithgow on a counter complaint by them against Mr Peter Kennowie of Kettlestoun, James, Mr Alexander and John Kennowie, his sons, James Mairshell, his servant, John Nemo, younger, in Dechmont, John Dick there, James Henrysone there, Andrew Nemo there, John Nemo, elder, there, John Ramsay, younger, there, James Johnstone there, Peter Zett there, James Burd there, John Thomson there, Duncan Flemying in Lochcoits and Patrick Naper, servitor to Duncan Mure in Balyde, for their compearance before the Council on 17th July. The complainers represent that they and their predecessors have been and are in possession of their burgh mill, with the damheads and water ganges thereof, and have been in use every summer yearly of cleansing their dams and damheads from all sand and other things that would impede the flow of the water to their mill. On 26th June last, the persons above named and others came to the complainers' said mill, and
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"maliciouslie threw and kuist threttie turse of whinns in thair water ganges with a great number of hudge and great stones thairupon," thereby interrupting the passage of the water, and that of purpose "to have sandit thair damme and to have dimolished and castin doun thair damme heid to the great hurt of our said burgh, the said myline being the best part of thair common good." On getting information of what had been done some few of the council went out to see what was going on, peaceably and quietly, and to make civil interruption, which they did, and the said James, Mr Alexander and John Kennowie, being present, seemed content therewith and that the matter should be composed between them by friends and neutral parties. [Here the document is much torn and parts are wanting, but from what is left it appears that] Mr Peter Kennowie, having been sent for, declared he would have the matter settled by law. And that same night he went to their mill and water gang and threw the whole foresaid stuff in. When, on the 11th instant, the complainers went to clear their water ganges, James Mairshell, "with ane weredoke in his hand," threatened the men thus employed with many fearful oaths; and when the burgh treasurer called for Mr Andrew K[enowie] to witness how that they were interrupted from "redding," the said Mr Andrew "dispytefullie strake him upon the face, threw his mout . . . . . be the gorget, and to have suffocat liim. And whereas William Smith and Robert . . . . . the toun, prest to had aff the saids James Mairshell and James Kennowie, they str . . . . . . . . docke, gave thame a number of straiks upon thair heads and bodies to the effusioon of thair [blood] . . . . . Charge is also to be given to James Kae of Corslottis, . . . . . James Broun there, Henry Mack there, Robert Quhyt there, . . . . . and William Liverance, younger, his son, to comepar as witnesses in the matter. Dated at Edinburgh, 14th July, 1634, and signed JA: PRYMROI. On the margin is noted the hearing of the case on 17th July, and its reference to the Marquis of Hamilton.

240. Note of seven executions by Patrick Strachone, messenger, in the action at the instance of Mr William Clogie, minister at Inverness, and the provost and bailies thereof, against John Rid, narrated ante, p. 342; (1) On 14th July against Donald Fraser in Kinmyllies, William Cuthbert . . . of Inverness, and William Steinesone, burgess there, all personally apprehended, to appear before the Council on 29th July, witnesses, . . . . . Bayne M'Cane Chyll and Andrew M'Baine, his son, burgesses of Inverness; (2) On the same day against Andrew Fraser . . . . . (torn) . . . . . witnesses, Alexander Gresone . . . ; (3) On the same day against John . . . . . at his dwelling house where Sarah Cuming "his pair" . . . . . witnesses, Alexander Greisone, younger, and Alexander . . . . . tailor in Inverness, John M'Millar there, and James Cuthbert, younger; (4) On the same day at the market cross of [Inverness]
against Andrew Fraser, commissary of Innernes, and John Reid, witnesses, John Cumming and Thomas Waus, burgesses of Innernes; (5) On 15th July against John Dunbar, Hempriggs; witnesses, James Ross, servitor to John Andersone, . . . ; (6) On the same day at the market cross of Forres against . . . . witnesses, James Dunbar of Bogges, and James Ross, servitor to John Andersone, messenger; and (7) On the same day against Alexander Taillzour, burgess of Innernes, Donald McAne McAndrew there, Thomas Murray . . . . . . Cuming, burgess there, William McConchie, burgess there, David Cuming there, Alexander Greisone there, William . . . . and James Gray, burgess there, as witnesses, all to appear before the Council, witnesses, Alexander McVillair and Alexander Grisone, elder. On the back is a scroll of the decision of the Lords in the case.

[Unsigned.]

242. Supplication by John Tocheocehe, as narrated ante, p. 317. [On the back] " . . . decimo Julij, 1634 . . . . Mr James Ferquharson to be wairnit. GEO: CANCELL. I.P.D." Also note of execution by Mr William Dowglas, macer, on 15th July, 1634, against Mr James Ferquharson, personally apprehended, to appear before the Council this same day; witnesses, Mr Thomas Nicolsone, younger, advocate, and Harie Osburne, writer in Edinburgh. On the margin is noted the hearing of the case the said day.

243. Supplication by John, Earl of Rothes, Sir David Crichtoun of Lugtoun, Sir George Hamilton of Blaikburme, Andrew Ainslie and George Arnot, merchants, burgesses of Edinburgh, and Alexander Cowane, burgess of Stirline, as follows:—In terms of their Lordships' ordinance they have equipped a gentleman as their commissioner to go to Hambourgh and prosecute their claim against Captain Utenhold and Captain Longue for the cruel and barbarous slaughter, depredation and spoliation committed by them upon the late Captain Robertson and his company and ships, to the dishonour of the country and great loss and prejudice of the supplicants, not only through the loss of these persons and ship and goods but the expense of prosecuting this matter at Court and otherwise. If the hearing which is now to be granted is protracted the loss will be still greater, and they therefore crave from their Lordships a letter to the States to press them to give the supplicants fair and speedy justice. [On the back] "Apu'd Edinburgh, decimo quintio Julij, 1634. The Lords ordains letters of recommendaition to be drawin up in favours of the supplicants to the Senate of Hamburgh recommending the supplicants and their caus to the said Senate in
244. Extract of the Decree of the Lords on 15th July in the case of John Toshoch, printed ante, p. 317.

245. Copy of the Decree of the Lords dated 15th July, 1634, in the case of John Roberton of Blettone and others, as narrated ante p. 317.

246. Supplication by John Dumbar of Moynes and Robert Dumbar apparent thereof, as narrated ante, p. 317. [On the back]. “. . . (torn) . . . Julij, 1634. The Lords, upon considerable occasions moving thame, grants protection to the supplicants their persons unto Martymes next, reserving always libertie to themselfes to recall the same at the instance and upoun the complaint of pairtyis the supplicants being first lawfullie wairnit thairto. Geo: Cancell*, Morton, Glasgow, Erroll, Wintoun, Kingorne.”

247. Certificate by Mr James Sharpe, minister at Govan, to the Lords of Council that Margaret Taqi in the parish of Govan is unable to travel either on horse or foot on account of her age and other infirmities without endangering her life. Signed at Govan, 16th July, 1634, by the said minister and William Cranfurd, elder, Steven Pawan, elder, and John Maxwell, elder.

248. Summons at the instance of Sir William Dowglas of Cashogill against Mr George Dowglas of Penzerie, as narrated ante, p. 344; dated July, 1634. [The deed is much mutilated and wasted.] On the margin is noted a scroll of the hearing of the case, and on the back this is continued; where there are also three notes of executions of the summons—

(1) On 18th July by John Norwell, messenger, against Mr George Dowglas of Penerie and Andrew Dalrumpil, wright, and Isobel Ramsay, his spouse, all personally apprehended, to appear before the Council on 29th July instant; witnesses, William Herriex, indweller in Edinburgh, Walter Herriex of Knockinschenache, and Mr Thomas Gray, indweller in Edinburgh;

(2) On 21st July, by Alexander Gibsone, messenger, against Elizabeth Johnstoun, Robert Pooll, her son, and Mr Thomas Ramsay, now her spouse, as above; witnesses, William Hamilton, notary, and Herbert . . . [torn] . . . merchant burgess of Dumfreis; and

(3) On 22nd July by Thomas Black, messenger, against John Menzeis of Castellhill, to the same effect; witnesses, Robert Kennedie, lawful son of William Kennedie in Cottenhouse, and another [name illegible and torn] in Inglistoun.
249. Note of four executions of summons in the action between Mr Peter Kennowie and the town of Linlithgow, narrated ante, p. 320. (1) On 16th July, 1634, by William Leverence, messenger, against Mr Peter Kennowie of Kettelstoune (p.), James (p.) and John (ab.) Kenowie, his sons, at their dwelling place, . . . sone, at his dwelling house in Northbanck, James Merschell (p.), servant to . . . John Nemo, younger in Deachmont (p.), John Dick there (p.), James Hend . . . ., also Andrew Nemo in Deachmont (p.), John Nemo (p.), elder there, John Ramsay (ab.), younger there, James . . . . Buirde (p.), there, John Thomstone (ab.), there, and Duncan Fleming in Loichvitiss, to compear before the Council on 17th July instant; and also at the market cross of Linlithgow on the same day against the said Mr Peter Kenowie, James, Mr Alexander and John, his sons, James Merschell, his servant, John Nemo, younger, John Dick, James . . . .; witnesses, Thomas, Gildow in Linlithgow, James and Henry Broun in Deachmont, William Leverance, son of the messenger, William Inglis, merchant, John Borthuick and Thomas Duchell, town officers, and John Glen, merchant, burgess of Linlithgow: (2) On the same day by the same messenger, against James Rae of Crocelattis (ab.), Richard Balderstoune (ab.), James Eistoun (p.), James Broun (p.), Henry Mak (p.), Robert Quyte (p.), and Robert Bell (p.), as witnesses, to compear as above; witnesses, Henry Cuper and William Leverence, younger: (3) On 17th July, 1634, by the same messenger, against . . . . in Bailyde; witnesses . . . Borthuick in Linlithgow and William Leverence, younger; and (4) On 17th July, 1634, by William Henderson, messenger, against William Leverence, notary (p.), and William Leverence, younger, his son, as witnesses, to compear as above; witnesses, Mr Alexander Cumynge, advocate, and Mr John Wardlaw in Libertoune.


251. Extract Act of the Council in favour of Mr Alexander Skene, printed ante, p. 322. Extracted and signed by JACOBUS PYMBROIS.

252. Submission in presence of the Lords of Secret Council at Edin-burgh on 17th July, 1634, by John Lundie of that Ilk, on the one part, and Sir James Lundie, knight, his uncle, on the other part, both compearing personally, of the matters referred by the petition of the said John Lundy to his Majesty concerning the proceedings and behaviour of the said Sir James to him and his brothers since the death of the Laird of Lundie, their father, to the arbitration of Mr Thomas Nicolsone, elder,
advocate, and Mr Alexander Giebse of Durie, chosen by the said John Lundie, and to Mr David Prymerose, advocate, and John Gibson, one of the clerks of Session, chosen by the said Sir James Lundie, and they craved that in the event of their disagreement their Lordships would make choice of an oversman. The parties promise to abide by the decision of these judges; and the Lords ordain all of them to appear before them on the 29th July instant and report their proceedings.

253. Supplication by James Spence, merchant burgess of Edinburgh, 17th July 1634. narrated ante, p. 328, craving the citation of William Thomasone. [On the back] "Apud Edinburgh decimo septimo Julij, 1634, Fiat ut petitur. Glasgow." Also note of citation by Mr William Dowglas, macer, on 22nd July of the said William Thomasone, personally apprehended, to compere before the Council the said day; witnesses, John Farholme and John Binning, merchants in Edinburgh. On the margin there is noted the comprence of the parties on 22nd July, when the Lords continued their protection to James Spence till the 29th (Tuesday next) provided he appeared on Thursday with the auditors and made report of his diligence since his last protection; also the finding of the Lords on the 24th July.

254. Note of Execution by George Ker, messenger, on 17th July, 1634, against Robert Scott [of Dryhope] . . . . . [Cock]burne of Henderland and Andrew Scott of Howdene, all personally apprehended and also at the market cross of the burgh of Selkirk, to compare before the Council on 22nd July; witnesses to the charging of Dryhope and Henderland, James Hecfur, burgess of Pebles, and Thomas Pringill, tailor there, to the charging of Andrew Scott, Walter Scott, brother to Dryhope, and Robert Ogilvie, messenger in Jedburgh; and to the charging at the market cross, James Murray and Mr William Wilson, messengers, burgesses of Selkirk.

255. Supplication by the provost, bailies, and Council of Aberdein in 17th July 1634. reference to the calsey of Cowiemont, as narrated ante, p. 322. [On the back] "Apud Edinburgh, decimo septimo Julij, 1634. Fiat ut petitur, Cowiemont. the supplicants always upholding and interteaning the worke during the yeares of the commission. Geo: Cancells, I.P.D."

256. Extract of the Decreet of the Lords of Council in regard to 17th July 1634. the supplication of the burg of Aberdeen about the causeway of Cowiemont, as narrated ante, p. 322. [Much mutilated.]

257. Supplication by Fergus [Grahame] of Blaistowd, for an extension of his protection, as narrated ante, p. 322. On the back [date, etc., torn away] there is noted the decree of the Lords signed by Geo: Cancells, by Fergus.
MORTON, GLASGOW, ERBOL, WIGTOUNE, KINGORNE, ANNANDAII, STERLINE, Miscellaneous Papers.

258. Supplication by James Crawfurdf, goldsmith, burgess of Edin-
burgh, as follows:—James and Robert Peirson have long pursued an
unjust action against him and instead of taking true trial have stolen
advantages against him under protestations. On

17th July 1634.
Supplication by James Crawford, goldsmith, burgess of
Edinburgh, for the citation of
James and Robert Pearson
before the Council.

while he was in the Court of Session producing witnesses against them,
they seized upon him and with cruel treatment carried him to ward.
The Lords of Session, however, after trial of the circumstances, put him
at liberty, finding "the place to be asylum and frie girth in respect of
the privilege of the hous of justice." and farther ordained him to com-
plain to their Lordships of the riot. Again, on Saturday afternoon . . .
when he was in the "Lach Counsall hous, quhilk is ane place of frie
girth" . . . . awaiting the expeding of the gifts of their escheats in his
favour, the said James, in contempt of the house of justice, with a
number of the town officers, came and ceased on him, harled him by the
hair of his head to have dragged him to high ward, "dang and . . . .
ruff and my hat fra me," and notwithstanding that their Lordships had
granted their escheats to the supplicant. He therefore craves that the
said James Peirson and witnesses be cited before the Council. [On the
back]—torn away except "Julij, 1634.—Fiat." Also notes of two execu-
tions of citation by James Dowglas, mazer, on 16th July (1) against James
Peirson, personally apprehended at the chamber in Edinburgh of Hew
Tod, writer, his master, in presence of the said Hew Tod and Gavin
Smaill in Edinburgh: and (2) on 17th July, against Mr Samuel Gray,
John Dunlop, Andrew Darling, Magnus Mowat and William Gemmell,
all personally apprehended in Edinburgh, as witnesses, to appear before
the Council on this present 17th of July; witnesses, Alexander Max-
well and Mark Hamilton, macers.

259. Note of execution by James Grahame, messenger, on 18th July,
1634, of summons at the instance of John, Earl of Wigtoun, and Sir
Thomas Hoipe, his Majesty's Advocate, against Thomas Porteous in Glen-
kirk, to appear before the Council; witnesses, Andrew Hay, writer in
Edinburgh, and George Gray, his servitor.

260. Certificate by Mr James Sharpe, minister at Govan, of the
inability of Andrew Younger, parishioner of Govan, to travel without
endangering his health, he being now seventy-eight years of age, as by
his oath he has declared in presence of the said ministers and these elders
of the parish who also sign, viz. —Stevin Rawan (de mandato), John
Rollok, elder, John Maxvel, elder.

261. Summons at the instance of the farmers of the Customs and
John Simson, messenger in Dysart, against William Williamsone in Kirkaldie, &c., as narrated ante, p. 345; dated 19th July, 1634, and signed JA: PRYMOBIS. On the margin is noted the comparence of parties on 1st August. [Much mutilated.]

262. Summons directed to Laurence Buriall, messenger, at the instance of James Rodger and Alexander Smart, tenants in the lands of Balbrekie, as narrated ante, p. 345; for citing Robert Duri of Easter Newton and others to appear before the Council on 29th July instant; dated at Edinburgh, 19th July, 1634, and signed JA: PRYMOBIS. On the margin is noted the hearing of the case on 1st August; and a fuller scroll of the decreet is written on the back.

263. Note of two executions of Summons by Alexander Gibson, messenger, in the action at the instance of Elspet Maisson, narrated ante, p. 347. (1) On 19th July, 1634, against John Maxwell of Castelmilk, at his dwelling place of Castelmilk, and also at the market cross of Lochmaben, to appear before the Council on 29th July; witnesses, John Armestrang, messenger, and John Jonstoun, son to James Jonstoun in Castellhill, of the Water of Milk, also William Torrance, and Christopher Lieitch, burgesses of Lochmaben; and (2) On 22d July, 1634, against Robert Greirson of Barjarg, at his dwelling place of Barjarg and at the market cross of Durnfreis, to appear as above; John Makgube, servitor to Sara Broun, goodwife of Barjarg, elder, and James Younger there; also Herbert Morisone, merchant, and James Young, chirurgeon, burgesses of Durnfreis. On the back is a scroll of the decreet of the Lords in the case.

264 Note of two executions on 20th July, 1634, by [Thomas] Moffat, messenger, at the instance of John, Earl of Wigtoun, and others, (1) against . . . . . . . Cosser, personally apprehended, in presence of Mr Robert Johnstone, minister at Glenquhoma, Robert Creichtoun of Wigtown, and others, Quarter and Andrew Aitkyne in Westraw of Biggar; and (2) against Walter Scott in Glenkirk (ad.), Robert Porteous there (ad.), Adam Brydane there (ad.), Adam Bigholme there (ad.), John Boe of Stane (ad.), John Broun in Edmeestoun (ad.) and William Penman there (ad.), all personally apprehended, to appear as witnesses before the Council; witnesses to the second charge the said Robert Creichtoun of Quarter, James Creichtoun, his brother, and the said Andrew Aitkyne in Westraw of Biggar.

265. Supplication by John Lundie of that Ilk, as follows:—In the 19th July 1634. Supplication by John Lundie of that Ilk to arbitration, but there is nothing done herein upon the pretence of the aent his dis-
point of the oversman, the design of Sir James being only to protract and delay the matter. The suppllicant accordingly craves that their Lordships would cause Sir James to be cited before them to see effect given to the submission, etc. [The docquet is torn and destroyed, but on the back also there is] Note of execution of charge on . . . . July, 1634, by Mr William Dowglas, macer, against Sir James Lundie, personally apprehended, to appear before the Council on 22nd July instant; witnesses, Walter Paterson, writer in Edinburgh, and James Quhyte, son to Arthur Quhyte, writer there. On the margin is noted "22 July, 1634; parties personalie. Sir James nominat Southek, Durye and the Advocate for oversmen, and declared that before the morn at tueil the cloke he sould condescend upon one of these three to be the oversman, quhaurunto the Laird of Lundye consented. The Lords ordains the submission to be drawne up with a blank for the name of the oversman to be filled be Sir James and with a blank for the tyme within the whiche the arbitratouris or oversman sall determine to be filled up be the Counsaill upon" . . . . [torn] . . . .

21st July 1634.
Summons at the instance of David Bennet, notary in Kirkcaldie, and customer there, narrating that he recovered a decree before the Court of High Commission of the Kirk against Alexander Law and William Williamson, burgesses of Kirkcaldie, and thereupon a decree from the Lords of Privy Council themselves to charge Mr Robert Dowglas and Mr James Simson, ministers at Kirkcaldie, to pass to the said Alexander Law and William Williamson and require them to make their address to the Kirk of Kirkcaldie "upon ane Sunday after the afternoons preaching before the skailling of the kirk and there to confess their slandering of the compleane." He caused charge Law and Williamson to obey the said decree upon the Sunday appointed by the said ministers, but these persons on frivolous grounds have procured suspension of the charge to a day now long since past, and then as now they refrain from discussing the same. Charge is accordingly to be given to Law and Williamson and the two ministers to appear before the Council on . . . ., dated at Edinburgh, 21st July, 1634, and signed JA: Prynois. On the margin is noted "Primo Augusti, 1634. Persewres personallie; the baillieis also personallie; who tooke the first Counsell day of Junij nixt betuix and quhilk tyme they would prove the cryme quhairupoun the alledgit scandal is grounded and actit thame selfis if betuix and that tyme they succumbbed that not onlie they sall fulfill the decreit of the Commissionoun but underly suche forder punishment as the Consell sall prescyrve."

22nd July 1634.
Suppllication

267. Supplication by Thomas Broun of Nethersay against John Broun of Lochhill, as narrated ante, p. 324; [On the back] "Apud Edin-
burgh, 22 July, 1634. *Fiat ut petitur* Hadinton.* Also a short note of the decreet of the Lords in the matter.

268. Supplication by Henry Levingstoun of Greenyards, his brother, has obtained a protection from their Lordships to enable him to satisfy his creditors. He is his said brother's cautioner in all his burdens and must therefore cooperate with him, but dare not remain in this burgh without a protection, which accordingly he craves. *[On the back] “*Apud* Edinburgh, 22 July, 1634. *Fiat ut petitur* for the tyme granted to his brother. MORTON, GLASGOW, WINTOUN.”

269. Note of execution by Thomas Allane, messenger, on 22nd July, 1634, against Donald McAleaster and Finlay Gowrie, both personally apprehended, to appear before the Council as witnesses in a case; witnesses, Thomas Grant, tutor of Carrowne, and William Nairn. On the paper there are also the names James Finlay and George Stronoch.

270. Supplication by Mr James Ferquharsoun, W.S., anent John Toshoche, as narrated ante, p. 325. On the back is noted on 22nd July, 1634, the finding of the Lords as there narrated, which is signed by HAMILTON, HADINTON, MORTON, WIGTOUN, ROXBURGHE, ANNANDAILL, W.S., anent John Toshoche.

271. Supplication by Alexander . . . (torn) . . . narrating that his friends who were entrusted with his estate in his absence had upon a false surmise of his imprisonment abused the trust reposed in them and converted the same to their own use. He had complained to his Majesty, who has recommended to their Lordships to assist him in recovery. Sir George Johnstone of Caskiben is the special man who has wronged him, and he therefore craves their Lordships to cite him before them. *[The docquet on the back is torn away and destroyed, but there is a note of execution of the citation on the “said” day by Mr William Dowglas, mazer, against the said Sir George Johnstoun of Caskeben, personally apprehended, to appear before the Council on 22nd July instant; witnesses, James Dowglas, mazer, and John Dowglas, his servitor. On the margin is noted “22 July, 1634, persewair personalie; defendair personalie with Mr William Forbes, advocate, his proloquutour. The Lords desyrit the Bishop of Ross frome thame and in thair names to recommend to the Lords of Sessioun the speedie dispatche of justice in any mater depending before them concerning the said said . . . . Forbes.”


274. Supplication by John Broun of Lochhill, as follows:—He was under caution to compair before their Lordships for religion, and obtained their protection for civil causes, under cover of which hecompanied on 12th June last in obedience to their Lordships' citation, and was by their order imprisoned in the tolbooth of Edinburgh, where he has since lain in great misery for want. He has no means to sustain his natural life and no creature to attend to him, his wife being in Ingland, and his eight children at home, distant some sixty miles from this, for the most part not able to do for themselves, much less for him. Others who were questioned for their religion and imprisoned have been relieved, and he has now been incarcerated five weeks, during which some of his creditors have obtained decrees against him and others intend doing so, and so design to arrest him there in violation of their Lordships' protection and the practice of the kingdom, as he appeared before their Lordships under protection and only for religion. He entreats their Lordships, "even for the tender mercies of Jesus Christ, to releve me out of this priso under your Lordships protection, as I cam heir, and I shall willingly depart the contrie at what tyme your Lordships ordanes me." But, if they are to detain him, or suffer others to do so, he begs that they will "for Gods cause allow me some meenes to mantane my natural lyf heir and suffer not a Christian to be sterved to death by your Lordships imprisonment, cheifie a man not culpable or chalenged for any capitall cryme." [On the back] "Apud Edinburgh, 24 July, [1634]. The Lords ordains the supplicant to be put to libertie, he acting himselfe in the bookes of Privie Counsell that betuix and the first day of October nixt he sall depart furth of the countrie and not retornue agane within the same without his Majesties licence, under the pane of infamie, perjurië and defamatioun; and in the meane tyme till his departure that he sall behave himselfe without offence or scandall to the Kirk, with certificacion to him if he failie in the premises that it sall be lawfull to all his Majesties officers and magistrats to apprehend him and committ him to waird, and that he sall be repute and esteemed ane infamous and perjured persoun. Hadinton."
275. Supplication by John Logan, merchant burgess of Edinburgh, against Robert Logan, as narrated ante, p. 346. [On the back of the paper...ordaines ane maister of C...wairne the defender, bailies of the Cann...maner and to the effect within written. AD. B. OF DUNBLANE.” Also notes of two executions of summonses by James Douglas, macer, on 24th July, 1634, (1) against [Robert Logan] at his dwelling house, a copy of the summonses being given to his wife, Elspeth Mathesone, and also against James Wilkie, bailie of the Cannogait, personally apprehended; witnesses, John Seytoun, baker in the Cannogait, and George Thomson, tailor there; and (2) against George Kilgour, tailor in the Cannogait, Walter Young, James Aitkin and William Watteris in Edinburgh as witnesses. There is also a note of the hearing of the case on 1st August.

276. Summons directed to Andrew Howlatson, messenger, at the 24th July 1634, instance of Sir Alexander Nielson of that Ilk and Rentoun, to charge Sir John Home of Blacader and others, as narrated ante, p. 345; to compear before the Council on 31st July; dated at Edinburgh, 24th July, 1634, and signed JA: PRYMOIS. On the margin is noted the hearing of the case on 1st August 1634.

277. Part of the decree in the action by James Spence against William Thomson, narrated ante, p. 328. A scroll undated and somewhat mutilated.

278. Fragment of summons in the action by Mr James Watson, 25th July 1634, portions of Saughtoun, against John Blackadder of Tulliallan, narrated ante p. 351; dated 25th July and signed Ja. Prymois. Noted at foot—“To compeir the 29 Jully instant”; and on the margin, a scroll of the proceedings at the hearing of the case.

279. Summons at the instance of Andrew, Bishop of Galloway, 26th July 1634. Abbot of Tungland, charging the feuers, tacksmen, and pensioners of the abbacy of Tungland to pay to him for his relief of the second term’s payment of the taxation granted to the Lords of Session in June, 1633, the following sums, viz.:—John, Viscount of Kenmure, for the land of Dunop, £3 2s. 3d.; and for his lands of Tungland, £37 9s. 3d.; David Arnot, for his lands of Barkeapill, 53s. 4d.; the Earl of Nisdaill for his lands of Cargane, £6 13s. 4d.; John, Viscount of Kenmure, for his teinds of Dunop, 25s.; David Arnot for his teinds of Barkeapill, 24s. 3d.; for his teinds of Over Curquha, 25s.; the said Viscount and Robert Shennane for their teinds of Barrendane, 23s. 7d.; for his (sic) teinds of Manns and Tungland, 58s. 4d.; John McCartney and John McGowne for their teinds of Over Gernane, 31s. 8d.; John Gordon for his...
teinds of Beauche, 19s. 4d.; John and Robert Shenans for their teinds of Barncrosh, 25s.; Robert McClellan of Nuntoun for his teinds of Nether Curquha, 25s.; John M'Calloun and Marion Law for their teinds of Nether Barkeaple, 25s.; William Gordon of Kirkconnell for his teinds of Larmanoche and Barlenane, 23s.3d.; John, Viscount of Kenmure, for his teind of the kirk of Sennik, £4; Andrew Arnot for his vicarage teinds of the kirk of Tungland, 53s. 4d.; and Geddes for his pension paid out of the teind of Traquair, 17s. 10d. All are to be paid within twenty days after the charge if the persons be in the country, and, if forth thereof, within sixty days after they have been charged at the market cross of Edinburgh and pier and shore of Leith. The summons is dated at Edinburgh, 26th July, 1634, and signed JA: PRYMKROS. At the foot there is noted "Apud Edinburgh decimo quarto Januarii j*vj* trigesimo quinto. Produceit be Alexander Ogilvie, wrytter, and registrat in the buiks of Counsall conforme to the Act of Parliament be me, Mr Alexander Kynneir, clerk depute to the Clerk of Register. (Signed) Mr Al. Kynneir." On the back there is a note of service on 19th September as narrated afterwards sub dato.

27th July 1634.

Note of execution at the instance of James Rodger and Alexander Smart against Andrew Dury of Wester Newton and others.

280. Note of execution by Laurence Bureall, messenger, on 27th July, 1634, at the instance of James Rodger and Alexander Smart, as narrated ante, p. 346, against Andrew Dury of Wester Newton (ab.), George Melvill in Wester Newton (ab.), and George Craig, his servitor there (ab.), also against Robert Durry, at the market cross of the burgh of Cuper in Fyr; likewise on the 26th and 27th July, against David Ramsay at the Brighows of Lowgy, J.... Law in Edindowne, John Hamlton in Largou, George Beall at Lwndy Mill, to compear before the Council for proving the property of the lands of Balrike; and also against Crispine Swyn in Pirne, George Willson at Camron Mill, William Pittillok and Thomas Hepburn, to compear for proving the riot; witnesses, Edward Newlands, burgess of Cuper, Symon Law in Edindowny, William Watson in the Hillyyd of Pitluowy, Symon Hamelton at Lwndy Mill, John Wilke in Kennoquh, James Pitkern in Treton, Thomas Morton in Cuper, Henry Landells in Killnux and Henry... in Cuper.

27th July 1634.

Letter of the Marquis of Huntly to Mr. James Farquharson, W.S., stating that he refuses to pay the expenses of John Toshe.
diligent and careful to sie my uther busine put to ane poynt, according
to the informatione writtin to you be Letterfurie with this bearar,
qubairto restis your assurit good freind." (Signed) "Huntlye"—
[Addressed] "To my richt trust freind, M' James Farquharson,
wrighter to his Majestis Signet."

282. Note of execution on 28th July, 1634, by Jo. Murray, messenger, 28th July 1634,
against Mr Robert Dowglas and Alexander Law, personally apprehended, l
and Mr James Simsone and William . . (torn) . . . at their dwelling
houses, to appear before the Council on July next and answer to a
complaint by David Bennet; witnesses, John Hoge, Burgess of Kirkcaldie,
George Bosuell of the West Milne of Kirkcaldie, and William Bennet
there.

283. Supplication by James Robertoun of Ernook and James
Robertoun, fiar thereof, his son, for a protection, as narrated ante, p. 331.
the eight of Januar. MORTON, GLASGOW, WINTOUN, ROXBURGH,
ANNANDAILL."

284. Supplication by Alexander Bothwell of Newholm, as follows: 29th July 1634.
—Their Lordships' protection granted to him expires on the last of this
instant, and during its currency his late father took in hand the pay-
ment of the greatest part of his debts and would have completed the
payment of all his creditors had not his death on Wednesday last pre-
vented. His estate will now fall between the supplicant and his
brother and there will be means not only for satisfying all debts but
also for their own honourable maintenance. He therefore craves an
extension of his protection. [On the back] " . . . . (torn) . . . . 9
July, 1634. Fiat ut petitur to the last of November. MORTON,
GLASGOW, WINTOUN, ANNANDAILL."

285. Notarial instrument under the hand of William Clerk, Notary
Public, dated at Tulliallan, 30th July, 1634, narrating that on the said
day compeared John Malcum, Ross herald, and by virtue of letters of
treason dated 10th July instant against Sir John Blacader of Tulliallan,
demanded delivery of his house of Tulliallan. In the absence of Sir
John full possession was given to him thereof by Dame Christian
Graham, Lady Tulliallan, and the keys handed over, which keys and
possession the said John Malcum placed in the hands of James Nane,
merchant burgess of Edinburgh, as having right with some other
merchants there from Mr David Falconer, advocate, purchaser of the
said letters of treason. Thereafter the said James Nane placed Alex-
ander Leash and James Wishet, depute servant to him and other
merchants his partners, in the said house, with express command to keep
it safely to their behalf, as they would answer to him. Whereupon all parties asked instruments. These things were done within the hall of Tulliallan about 10 a.m.; witnesses James Blacader, eldest lawful son of the said Sir John, Patrick Blacader, brother german of the said Sir John, John Burne, servitor to the herald, and William Menzeis, servitor to the said James Narne.

30th July 1634.
Note of execution against the Commissary of Inverness and Donald Fraser in Kinmyllis.

286. Note of execution on 30th July, 1634, by George Gordon, messenger, of summons at the instance of Mr William Clogie, minister at Inverness, and the provost and bailies of the said burgh against . . . (torn) . . . Commissary of Inverness, and Donald Fraser in Kinmyllis, personally apprehended, to appear before the Council; witnesses, James Gordon, messenger, John Johnestoun and Walter Lindsay.

31st July 1634.

31st July 1634.

31st July 1634.
Supplication by John, Bishop of Ross, as follows:—In the taxation granted by the Estates to the Lords of Session in the late Parliament, the of September last was appointed to all prelates and beneficed persons for meeting with their vassals and setting down the taxed roll thereof for their relief. Owing to some points of his Majesty’s service in which he was engaged, he could not keep that day, and now the 13th of August next is appointed for the making of the taxed rolls for the ordinary taxation granted to his Majesty, of which the first term’s payment is due in November next, from keeping which day he will also be distracted by his Majesty’s service; And whereas the Chancellary of Ross is the place appointed by the said Act for making the roll of the bishopric of Ross, and the town of for making that of the Abbey of Ferne, which is annexed to the said bishopric, he craves their Lordships in respect of the great distance between the places to appoint to him a new diet for the Abbey of Ferne. [On the back] “Apud Edinburgh, xxxj July, 1634. Fiat ut petitur. Morton, I.P.D.”

31st July 1634.
The water of Comnewar.

291. Supplication by [Lawder of Bas] and Isobel Hepburn, his mother, for an extension of their protection, as narrated ante, p. 340. On the back is noted their Lordships' decision, signed by Morton, Hamilton, Glasgow, Wintoun, Annandaill, Lauderdaill, Naper.

292. Supplication by Mr Peter Kennowie of Kettlestoun against the magistrates of Linlithgow, as narrated ante, p. 338. On the back is the finding in the case as there given signed by Morton I.P.D.

293. Supplication by [Donald Frisell of] Keirmyllies and John Dumar of Hemprigs, as follows:—In the complaint against them by the provost, bailies and council of Inness there are two points admitted to their probation, (1) the taking of a horse which the said magistrates had arrested from a stable by the said John Dumar, and (2) Donald Frisell's alleged invasion of and threatening to kill the said provost. In these they allege they did no wrong, because the said horse was John Dumar's own property and was not arrested at the instance of any party for debt, and so was unlawfully interfered with by the said magistrates; and the said Donald Frisell only acted in self defence, after being "invadit and threatened be the said provost with a great rode or batton" with which otherwise he should have been put to some great disgrace. They crave warrant for sumonning the following witnesses on their behalf, viz., Patrick Grant, apparent of Glenmoristoun, William Stevinsoun, burgess of Inness, James Duff there, John Morison there, James Anderson there, Thomas Murray, burgess there, and Robert Waus, burgess there, to appear before the Council on 1st August (the following day). [On the back] "Apud Edinburgh, ultimo die mensis Julij, 1634. Fiat ut petitur. KINGORN." Also note of execution of the summons on 1st August, 1634, by Archibald Torrie, messenger, against the whole persons above named as witnesses, to appear the same day before the Council, all personally apprehended; witnesses, Alexander Hay in Leith, Robert Dunbar in Tarras, John Portisfield in Aikinway, John Skinnar in Pones, and William Dumbar, writer.

294. Depositions of witnesses in the case of the Magistrates of Inness against John Rid and others, as follows:—1st August, 1634, in presence of the Bishop of Dumblane, Lord Naper, Secretary and Sir Robert Gordoun.

Alexander Taillyeur, sworn, depones that he knows John Rid, and that the said John threatened to put a sword through the minister trying first to draw his sword, and then his whinger, but the deponer prevented him.

Donald McEane McAndro, sworn, depones that he knows John Rid and the minister, and corroborates the previous witness.

Alexander Grison, sworn and purged of partial counsell, depones that
he knows Donald Fraser and the rest of the parties; that the provost and bailies arrested the horse, and thereafter John Dumbar of Hemprigs came and, getting the key of the stable, took forth the said horse; also that he heard Donald Fraser threaten to "clove the provest to the teeth and thrust his sword throw him, and thereafter minted to draw his sword and whinger and to have invadit the provest if he had not been stayed."

John Cuming in Inverness, sworn, depones anent Donald Fraser with the previous witness.

David Cumming in Inverness depones that he knows the parties, and that Donald Fraser "threw the key out of the stablers hand and took furth the hors and mounted Johne Dumbar on the hors, and when the bailie challenged the horse that Johne Dumbar preest to ryde foule on him"; and depones as the previous witnesses as to Donald Fraser.

Thomas Murray, sworn, depones that he knows the parties, "and that he saw Hemprigs come out upon the hors and that the bailie desyrd him to ryde faire, and he answered, who would clame the hors." As to Donald Fraser he depones with the previous witnesses, and that the Commissary was at the stable when John Rid was convoyed away by the Commissary's back yard.

William McConlochie, sworn, depones that he knows the parties, and that he saw the horse come out of the close and heard the bailie desire John Dumbar to ride fair; depones also with the previous witnesses anent Donald Fraser's speeches and the convoying of John Rid. At the foot there is added a scroll note of the decree in the case.


296. Scroll decree of the Lords in the case of John Logan against his brother, Robert Logan, as narrated ante, p. 346. Undated and mutilated.

297. Copy of Summons by Mr John Darsei, burgess of Anstruther Wester, against Robert Alexander, Admiral depute of Feife, for illegal apprehension, as narrated ante, p. 346. The document is mutilated, with the date torn off; but on the back there is noted—"Primo Augusti, Robert Alexander, persewer; to whome admissit protestation."

298. Copy of Protestation made by Robert Alexander, Admiral depute in Fife, as narrated ante, p. 346.
299. Supplication by [James] Crichtoune of Frendraught for a commis-
mission against marauders on his lands, as narrated ante, p. 350; with
the decision of their Lordships upon the back, signed by MORTON,
HADINTON, HAMILTON, GLASGOW, KINGORNÉ and ANNANDAILL.

[4th August 1634.]

Supplication
by James
Crichton of
Frendraught
for a commis-
sion against
marauders on
his lands.

[8th August 1634.]
Case of Donald
Fraser in
Killmyllies and
the magistrates of
Inverness.

300. Paper narrating the reference of the nature of the satisfaction
to be given by Donald Fraser in Killmyllies to Duncan Forbes, provost
of Inverness, and the settlement of all other disputes arising from the
riot complained of, to John, Bishop of Murray, and report being made
of any person concerned being refractory, letters are to be raised against
them before 15th September next.

301. Information for Katharine Mosman, widow of James Niebst, burgess
of Paisley, against Allan Lockhart, one of the bailies of Paisley,
as narrated ante, p. 366. On the back of this paper is a scroll of the
Act of Council on 8th July, 1634, in the case of James Spence, as given
ante, p. 300.

302. Note of execution on 19th September, 1634, by James
Graham, messenger, of summons at the instance of Andrew, Bishop of
Galloway, against his feuars, &c., of the Abbacie of Tungland, as narrated
ante, p. 651; at the market cross of Edinburgh, pier and shore of Leith,
against Robert, Earl of Niddisdaile, who is presently out of the realm,
for payment of £6 13s. 4d. as the second term's taxation of his lands of
Cargein; witnesses, John Broune, and John Johnstoune, posts in Edin-
burgh, James Broun in Leith and Andrew Huchtoune, writer there. And
because the said Earl neglected to obey the same the said messenger on
9th January, 1635, passed to the market cross of Edinburgh, because
the said Earl is presently out of the realm, and after three oyses,
denounced the said Earl his Majesty's rebel and put him to the horn "be
thire blasts of my horn as use is"; and ordained all his moveable goods
to be escheated for his contempt; witnesses, James Mershill, messenger
in Edinburgh, and William Lynsay, post there. At the foot it is noted
that the foregoing was produced and registered at Edinburgh on 14th
January, 1635, by Mr Al. Kynneir.

303. Discharge by James Davidsoun, present jailor of the Cannogait,
and John Davidsoun, late jailor there, to James Prymrois, Clerk of the
Privy Council, the former for £120, and the latter for £50, part of a
sum of £300 lodged in his hands by Robert Logane, merchant burgess of
Edinburgh, as payment for the expenses of John Logane, his brother,
while a prisoner in the tolboth of the Cannogait in terms of decreet,
ante, p. 368; dated at Edinburgh, 22nd September, 1634; witnesses,
Archibald Dowglas, servitor to Mr John Oliphant, Sheriff Clerk of Edin-
burgh, George Halyburtoun, indweller in Edinburgh, Mr John Callender,
servitor to the said James Prymrois, and Archibald Hislop, portioner of Mortounhall. [Signatures.] On the back is warrant for registration of the discharge signed by Mr John Gilmore, advocate, as procurator for the dischargers, dated the same day.

5th February 1635.

Act by the
Court of High
Commission
against Malcolm
Crawford of
Carsburn,
who is accused
of breaking
into the
Church of
Greenock in
order to bury
his mother,
Lady Kilburne.

304. Extract act of the High Commission Court, dated at Edinburgh, 5th February, 1635; present, John, Archbishop of St Androus, primate, metropolitan and High Chancellor of Scotland, William, Earl of Dumfreise, Adam, Bishop of Dumblane, Neill, Bishop of the Ylls, Mr James Hanna, Dean of Edinburgh, Mr Andrew Ramsay, one of the ministers of Edinburgh, Mr Thomas Aikinhead, one of the Commissaries of Edinburgh, Mr John Tennent, parson of Caldar, and Mr William Bennet, parson of Auchrume, lords of his Majesty's High Commission, in the complaint at the instance of Mr Patrick Forrest of Archerfield, advocate, procurator fiscal of the said High Commission, against Malcolm Crawfurd of Carsburne, who, by himself, his servants and others not only has “most barberouslie and inhumanly violat and trangressed and brokine the lawdable actes, statutes and actes of Kirke by making of kirk buriell in maner efer specifite, bot also, in contemt of the worship of God, hes abused the place of his publict service as is efer mentionat, viz.:—The said Malcum having resolved to burie his mother, Margaret Blaire, Ladie
Kilburne, privatlie, he wpon the sext day of December last caused sum fewe fishermen carie her wnder night to the kirke of Greinok, and, because the dores of the said kirke wer faste, the said Malcum be himself, his servands and others in his name, of his causung, command, assistance and ratihabitioune, did about twell houre at night the said day or therby most violently breake up the kirke dore of the said kirke and thair, without any right, leave or tollerance, caused burie the said Ladie Kilburne. And not content thairwith the said Malcumb himself did breake up the remanent dors of the said kirk and breake the haill barrs of the samine with his awne hand, as it wer triumphing over the house of God, to the great heart breake of the godly and example of the wicked to doe the lyke; and he, being bodine in feare of warr with guns, pistorlets, halbarts and jedwart staves, avowed to slay any that wald cum thair but such as wer invente.” The case being called on 20th January last and the said Malcolm Crawfurd appearing with John Crawfurd of Kilburne, his nephew, he confessed having done wrong in acting as above, and he and his said nephew voluntarily offered and bound themselves “to inlargre the south ylle off the said kirke of Greinocke possessee be them twentie two fitte of lengthe”; whereupon the Court continued the matter until this day, and then ratified and approved the offer made as above, remitting all further trial and punishment for the said offence to Patrick, Archbishop of Glasgow. They have ordained the said Malcolm Crawfurd and his said nephew to complete their obligation.
before Michaelmas next under pain of horning, and they now crave that
the Lords of Privy Council will interpone their authority to this effect
in terms of his Majesty's High Commission. Signed by Mr William
Hay, clerk of the said Commission.

305. "To the Most Honorable Prevy Counsale—A Petition and
Remonstrance from the distressed Inhabitants of Orknay and Zetland—
Humbly showing that whereas the hand of God, by a most fearfullie
famine lying upon these said countreis, is well knowne to your honouris
and the whole kimgdom, insomuch that your honouris was moved to
mak the samin knowne to the kimgdome, and the case was so urging that
the whole kimgdome most graciously contributed to the necessitie thereof,
but (the samin so greatlie prevaleinge, and God haveing blissed his
Majestie with suche a multitude of people there, that a voluntarie con-
tributioun in that kind, tho liberallie bestowed, not being able to
countervale the said necessitie) the samin continewes: And now (by
reason of the preceeding yeeres want of seid and extraordinarie stormes
little acreaseing and that whiche did acrease being utterlie brokin and
blasted), the said famine increaseth, the peopill have expended their
whole stock and small manners, destroyed and eattin thair cattell and
store for serving the present necessitie, flying the country, and in the
mean tyme nothing expected but generallie a plaine supplantation, in
which case (and in consideration of the ancient note and worth of these
Islandis, his Majestie owne propirtie and crowne landis and in a particular
maner in his Majestie owne handis, lying in the sight of all strangeris
tradeing and frequenting thither from all the northerne pairies of
Europe to all pairties of the world, as also the inhabitantis have bene and
ar great supporteris of the kimgdome in many thingis necessarie, they
in a most duteifull maner, besyde thair owne intereesses whiche concerneth
his Majestie, also finding the standing of those countreis muche to con-
cerne him and the state both in particular and honour, have thought that
they could not acquite themselfis good subjectis in seeing suche a
member in hazard to be cut of and his Majestie not to be acuent
thairwith. For which cause, after meeting and consultation had to that
effect, the justices, ministeris, gentrie, his Majestis immediat tenentis,
undersubcribearis heirof, for themselfis and by advyse and consent of
the whole bodie and commonality have maid nomination and election of
the respect-worthie gentlemin, Mr John Dick, fear of Bread, and George
Sinclair of Ropnes, and ather of thame, conjunctly and severally, to go
for thame and in thair names and behalffis to remonstrate the case to his
Majestie and to do so therein as sum tymous and gracious remedie may
be applyed to the sore, with confidence in his Majestis most gracious
owne consideration of the case, leaving all farder instructionis and
remitting the same to the discretiones of the beiraris if any thing shall
be thought neidfull to be done to that effect. And knowing that the progress of all bissiness with his Majestie doth rest upon your honour, and his Majesteis most gracious will and pleasure in this present case will depend muche from ane approbation of their course from your honorable table, they have addressed themselves thereto with there said remonstrance, further declaring that if these said Islandis be once supplanted of the naturallis thereof (the nature of leving is such there) they shall never be agane planted. And therefor they beg that a certificat heirof . . . . . . [torn] . . . . . . . may be gevin them that theirupoun they may ground their remonstrance that such a course may thairin be takin as his Majestie in his most gracious consideration shall think fitting and aggreadle to the great necessitie. In witnesse whereof the said justices, ministrie, gentrie, his Majestie immediat tenentes, having by advise and in behalf, as said is, takin burthen, have subscribed these presentis with their handis. At Kirkwall in Orknay, the twentie ane day of Februar, 1635. (Signed) E. Sinclair off Essinquoy; H. Aitkin; R. Monteith; Robert Sinclair of Campstoun; Halcro; Eduard Steuart; W. Henryson; Wm Sinclair; D. Heart; J. Coluill; David Kincad; W. Cragie; John Cromartie; Patrick Murray; Robert Bellenden; Hew Halcro; Jo Sklatter; P. Balfour; James Cok; James Fea, elder; Eduard Cok; John Grott; Eduard Scolla; M' Daniell Callendar, minister at Sowthranaldsay; M' tho. Cok, minister at Sanday; M' J. Morisone, minister at Edvie: M' David Watsone, minister at Westray; M' Walter Steuart, minister at Rausay; M' James Haigie, minister at Burnes; M. R. Peirsone, minister at Firthe."

306. "After our verie hartie commendacons to your good Lordships, Your letters of the xijth of January last in favor of Archibald Weir, merchant and burges of Irving in that kingdome, with request that hee might bee licenced by us (notwithstanding the present restriction in those cases) to exporte from hence thither five hundred barrells of oats and three hundred barrells of meale, came to the hands of us, the Lord Deputy, on the xvijth day of this instant, whiche wee forthwith communicated with the Council, that, as the restriction in those cases did arise from their joint advise, soe the resolucion to bee now taken therin might likewise bee the joint councill of us all. And howsoever the causes moving that restraint (arrising from the extraordinarie scarcitie of graine in sundrie parts of this kingdome) are soe just and necessarie as now, upon further debate therof we finde a necessitie of remaining still constant in the reasons inducing it, and had therefore determined with our selves not to listen to any suite to bee made to us for dispensing therwith in any private mans interest, yet considering the importance of your Lordships recommendaciou, accompanied also with the publicke interest of that kingdome in respect of the
scaritie of graine there, wee have (as beeing indeede unwilling to denie you anything) resolved to yeeld to your request. And therefore wee, the Lord Deputy, have licenced the said Archibald to exporte hence the said five hundred barrells of oats and three hundred barrells of meale as your Lordships desire, to whom only hee owes the thanckfullness of this favor don him. And soe wee comitt your Lordships to God and remane. From his Majesties Castell of Dublin, ultimo February, 1635. Your Lordships very assured loving frends (Signed) Wentworth; Wm Parsons; Ad. Loftus; R. Dillon; Geo. Radcliffe; Rob Meredeth; Rd. Bolton.” Addressed on back: “To the right honourable our very good lords and very loving frends the lords and others of his Majestie’s honourable Privy Council in the kingdom of Scotland.”
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